"THESE FROM THE LAND OF SINIM"

ESSAYS ON THE CHINESE QUESTION

SIR ROBERT HART, BART. G.C.M.G.

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ESSAYS ON THE CHINESE QUESTION.

BY

SIR ROBERT HART, Bart., G.C.M.G.,

INSPECTOR GENERAL OF CHINESE IMPERIAL CUSTOMS AND POSTS.

WITH APPENDICES.

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PREFACE.

THE five papers which make up this volume deal tentatively and progressively with a leading question of the day—how to treat China. They are republished in this form for the convenience of those who consider them either useful or interesting. They do not claim to be either exhaustive or infallible, and their main object is to promote a good understanding.

A Tsungli Yamên Circular to Chinese Ministers abroad and the Inspector General's Memorandum concerning Commercial Relations are appended to illustrate and complement the views these papers embody.

ROBERT HART.

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"THESE FROM THE LAND OF SINIM."

I

THE PEKING LEGATIONS: A NATIONAL UPRISING AND INTERNATIONAL EPISODE

We cannot say we had no warning. Already, in September, 1898, after the famous *coup* by which the reforming Emperor Kwang Hsü was relegated to the nothingness of harem life, and the well-known Empress Dowager, who had ruled the Empire through two minorities (Tung-Chih in the sixties, and Kwang Hsü in the eighties), again came to the front, the attitude of Tung Fuh Hsiang's soldiers had disturbed the Legations, accentuated the possible insecurity of the foreign community, and brought guards to Peking. In the autumn of the following year the Shanghai press called attention to the Boxer movement in Shantung — its genesis and aspirations, while the *Tientsin Times* was laughed at, in the spring of 1900, for its bold denunciations of the same movement and for

its prophecies of the harm therefrom to come as the society's operations crossed the frontier and began to spread in Pecheli. In fact, if there was one cry to which our ears had grown so accustomed as to mind it less than our own heart-beats, it was this Chinese cry of "Wolf!" Rebellion was ever on the point of upsetting the dynasty—the Government was always on its last legs—foreigners were to be exterminated on a given date—the powers were about to partition China—etc., etc., etc.: each year—nay, every month, the press or local rumour, Cassandra-like, foretold woe, and yet, barring a few episodes of various degrees of importance, the Government went on as before. The last half of the nineteenth century saw the Taeping rebellion, the "Arrow" war, the Tientsin massacre, the Franco-Chinese misunderstanding, the war with Japan, and the surrender of Cochin-China, Burma, Kiao Chow, Port Arthur, Wei-Hai-Wei, Kwang Chow Wan, etc., to the foreigner. It also saw the rejection of Italy's Chekiang demands—and still life went on unchanged and the cry of Wolf grew more and more meaningless: so it was not surprising that many supposed the Boxer scare would fizzle out similarly and with a minimum of danger to either Chinese Government or foreign interests. At the same time some of us regarded the movement as very significant, but we did not

expect it to become a danger before autumn: its earlier development was a genuine surprise.

Criticism, to be of value, must be just, and must recognize whatever of fact or sentiment has been interwoven with what has occurred —causing its birth, shaping its aims, interlacing its products, and justifying both inception and growth. For ages China had discountenanced the military spirit and was laughed at by us accordingly, and thus, ever since intercourse under treaties has gone on, we have been lecturing the Government from our superior standpoint, telling it that it must grow strong —must create army and navy—must adopt foreign drill and foreign weapons—must prepare to hold its own against all comers—must remember "Codlin" is its friend, not "Short:" our words did not fall on closed ears—effect was given to selected bits of advice—and various firms did a very remarkable and very remunerative trade in arms. But while the Chinese Government made a note of all the advice its generous friends placed at its disposal, and adopted some suggestions because they either suited it or it seemed polite and harmless to do so, it did not forget its own thirty centuries of historic teaching, and it looked at affairs abroad through its own eyes and the eyes of its representatives at foreign Courts, studying their reports and the printed

utterances of books, magazines, and newspapers. The teaching thus received began gradually to crystallize in the belief that a huge standing army on European lines would be wasteful and dangerous, and that a volunteer association—as suggested by the way all China ranged itself on the Government side in the Franco-Chinese affair—covering the whole Empire, offering an outlet for restless spirits and fostering a united and patriotic feeling, would be more reliable and effective. The idea seemed to receive immediate confirmation from without in the stand a handful of burghers were making in the Transvaal: hence the Boxer Association, patriotic in origin, justifiable in its fundamental idea, and in point of fact the outcome of either foreign advice or the study of foreign methods. In the meanwhile the seeds of other growths were being sown in the soil of the Chinese mind, private and official, and were producing fruit each after its kind: various commercial stipulations sanctioned by treaties had not taken into full account Chinese conditions, difficulties, methods, and requirements, and their enforcement did not make foreign commerce more agreeable to the eye of either provincial or metropolitan officials. Missionary propagandism was at work all over the country, and its fruits, Chinese Christians, did not win the esteem or goodwill of their fellows, for, first of all, they

offended public feeling by deserting Chinese for foreign cults, next they irritated their fellow-villagers by refusing, as Christians, to take part in or share the expenses of village festivals, and lastly, as Christians again, they shocked the official mind, and popular opinion also, by getting their religious teachers, more especially the Roman Catholics, to interfere on their behalf in litigation. This state of affairs became specially talked about in Shantung, the native province of the Confucius of over two thousand years ago and now the sphere of influence of one of the Church's most energetic bishops. The arrangement by which missionaries were to ride in green chairs and be recognized as the equals of Governors and Viceroys had its special signification and underlined missionary aspiration, telling people and officials in every province what they had to expect from it. On the top of this came the Kiao Chow affair and the degradation and cashiering of a really able, popular, and clean-handed official, the Governor Li Ping Hêng, succeeded by the cessions of territory at Port Arthur, Wei-Hai-Wei, Kwang Chow Wan, etc., etc., etc., and these doings, followed by the successful stand made against the Italian demand for a port on the Coast of Chekiang, helped to force the Chinese Government to see that concession had gone far enough and that opposition to

foreign encroachment might now and henceforth be the key-note of its policy. Li Ping Hêng had taken up his private residence in the south-eastern corner of Pecheli, close to the Shantung frontier, and the Boxer movement, already started in a tentative way in the latter province, now received an immense impetus from the occurrences alluded to, and was carefully nurtured and fostered by that cashiered official — more respected than ever by his countrymen. Other high officials were known to be in sympathy with the new departure and to give it their strongest approval and support, such as Hsü Tung, Kang I, and men of the same stamp and standing, and their advice to the throne was to try conclusions with foreigners and yield no more to their demands. However mistaken may have been their reading of foreigners, and however wrong their manner of action, these men—eminent in their own country for their learning and services—were animated by patriotism, were enraged at foreign dictation, and had the courage of their convictions: we must do them the justice of allowing they were actuated by high motives and love of country—but that does not always or necessarily mean political ability or highest wisdom.

Thus it came to pass that a novel attempt to strengthen China took form and shape; it was

more or less conceived on foreign lines and the result of a study of foreign conditions, but, apart from what it comprised of the patriotic and the justifiable, it aimed at change as little as possible. It grafted a carefully assimilated foreign idea—volunteering—on as carefully prepared a Chinese trunk, and its growth convinced the Government that it could be relied on to relieve the country from foreign dictation if not to drive the foreigner entirely out of it. That it was patriotic in its origin and justifiable in much that it aimed at cannot be questioned, and cannot be too much insisted on, but, like other popular risings, its popular organization and formidable development and widespread growth made it more likely to lead than to follow, while the claims of the initiated to something like supernatural powers in the matters of movement and invulnerability, exhibited first before Prince Tuan and then before the Emperor and Empress Dowager, won for it a standing and respect which placed it on a plane of its own and went far towards giving it a free hand for its operations. Something akin to hypnotism or mesmerism seems connected with Boxer initiation and action: the members bow to the south-east, recite certain mystical sentences, and then, with closed eyes, fall on their backs; after this they arise, eyes glazed and staring, possessed of the strength and agility

of maniacs, mount trees and walls and wield swords and spears in a way they are unable to at other times. Semi-initiation is said to render the body impervious to cut or thrust, while the fully-initiated fear neither shot nor shell; the various sub-chiefs are, of course, fully initiated, but the supreme chief is described as more gifted still—he sits in his hall, orders the doors to be opened, and while remaining there in the body, is said to be elsewhere in spirit, directing, controlling, suggesting, and achieving. One of the best shots in a Legation guard relates how he fired seven shots at one of the chiefs on the Northern Bridge, less than two hundred yards off: the chief stood there contemptuously, pompously waving his swords as if thereby causing the bullets to pass him to right or left at will: he then calmly and proudly stalked away unhit, much to the astonishment of the sharpshooter! Though professing to know nothing beyond the domain of sense, the Chinaman is really an extravagant believer in the supernatural, and so he readily credits the Boxer with all the powers he claims. Times and seasons, too, have their meanings for him: in 1898 the eclipse of the sun on the Chinese New Year's Day foreboded calamity—especially to the Emperor—and in September that year the Empress Dowager usurped the Government; then, as chance

would have it, this year, 1900, is one in which the intercalary month for the Chinese year is the eighth, and an eighth intercalary month always means misfortune: when such a month last occurred, that year the Emperor Tung Chih died, and accordingly the popular mind was on the outlook for catastrophe in 1900, and perhaps the people were morbidly willing to assist folk-lore to fulfil its own prophecy. Those of us who regarded the movement as likely to become serious and mischievous put off the time of action to September: our calculations were wrong, for already in May it had spread from Shantung, was overrunning Pecheli, and was following the railway line from Pao-ting-foo, the provincial capital, towards Peking itself. Chapels were destroyed, converts were massacred, railway stations were wrecked, railway and telegraph lines were damaged, excitement was spreading, and yet, although the state of the country all around grew more and more alarming, it still seemed to be a question whether the movement would roll back towards its source from Peking or take new shape there and gather new and onward impetus. Meantime the Legations fortunately succeeded in getting up a few guards from the warships off Taku, so that there were from three to four hundred armed men in Peking for their protection—American, Austrian, British, French, Italian,

Japanese, and Russian. The force would have been stronger had it not been for two curiously illustrative incidents which occurred at Tientsin: when the men marched to the train, twenty-five of the hundred British Marines on the platform were ordered back because the Russians and French numbered only seventy-five each, and as for the Russians, they brought a thousand rounds of shell for their gun and neglected to bring the field-gun itself, which remained at Tientsin—to our great grief afterwards, when it would have been of untold value at Peking! The Japanese contingent numbered only twenty-five men, but the work they subsequently did and the way they did it won everybody's admiration, and would have done honour to five times their number. The British Marines were nice-looking lads, cheerful and bright, and always ready and willing. The Americans were stronger and more mature, each man a sharpshooter, self-reliant and resourceful. The Chinese authorities were naturally opposed to the reappearance of foreign soldiers as Legation guards in their capital, and in ordinary times such an anomalous step would not be resorted to or justifiable; but, the circumstances being what they were, the decision to have them up was a right one, and, as afterwards happened, their presence preserved the entire foreign community, Legations, Missionaries,

Customs, and visitors—also Chinese converts—old and young, men, women, and children, from one common massacre.

The Queen's birthday, the 24th May, was this year observed as a British celebration at the Legation: some sixty or seventy people sat down to dinner in the theatre, and, after that, we had dancing in the ball-room and on the lawn to the music of a Chinese brass-band—and really well the lads played on that occasion. Little did we think that before that day month we should form part of a crowd of ten times that number flying for our lives, to the protection of the Legation walls! Early in June affairs wore so threatening an aspect that the Admirals were applied to for reinforcements, and on the 10th June Admiral Seymour left Tientsin by rail with some fifteen hundred men to rescue Legations and community from an ending that daily seemed more certain, the Viceroy very unwillingly allowing him to start: he never reached Peking, however, and eventually got back to Tientsin on the 24th June, after losing a large percentage of his force and going through experiences of a novel kind for a naval officer. His force was at Lang Fang, some forty miles from Peking, on the 11th June, and finding the railroad broken there, stopped to repair it: had it left the train and marched straight across the country

to the Capital, it could have been with us on the 13th or 14th and so changed history, for opposition was not yet organized, and some animals could have been seized in the vicinity for transport; but in our anxiety we feared that the main object of the expedition — the safety of the Legations — was lost sight of and the minor detail of mending the railway line exaggerated into something of paramount importance—the wrong end of the telescope having seemingly been put to the eye, and so the chance was lost. As for railway repairs—as fast as one bit was mended another was torn up by the crowds of Boxers that swarmed around, so that, what with failure of food and drink and fuel, and an increasing number of enemies in front and rear and on both sides, the Admiral and party were soon in such a plight as no mixed force ever before had steamed or drifted into. We refugees clung to the hope that these reinforcements would one day appear: we could not believe it possible that they would fail to reach us or that we should be forgotten, but by the end of the month we could no longer encourage ourselves to expect them—we could only hope that they had escaped destruction, and that, back again at Tientsin, they were reorganizing some better plan for our relief. It is quite sure the force did its best under the circumstances,

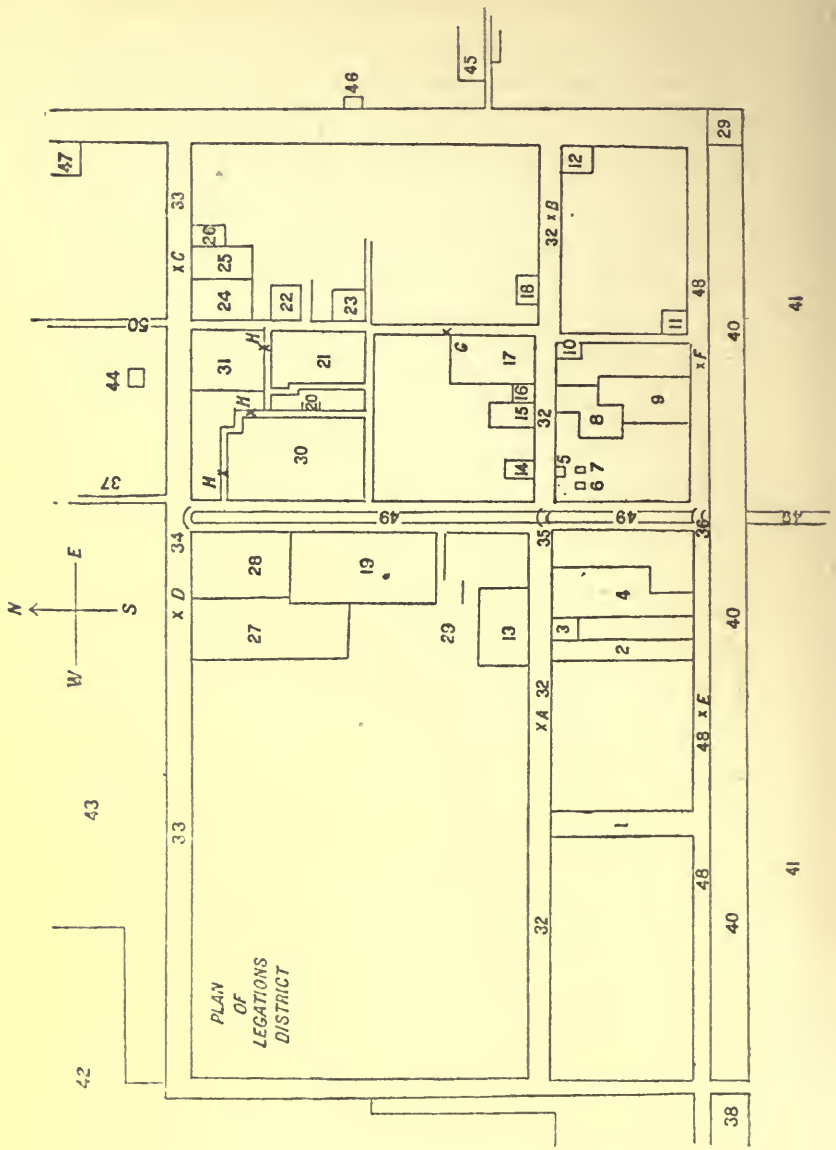
but its mixed nature, possible differences of opinion among the commanding officers of half-a-dozen or more nationalities, and general ignorance of the country between the railway line and Peking must have combined to make its task an impossible one and excuse the failure—it is equally certain that that failure must have been even more bitter for the men who were to rescue us than for ourselves who were to be rescued.

From the end of May the air was full of rumours and alarms, and all were on the alert, ladies and children spending the nights at the British Legation for safety; but the movement was still regarded as a Boxer movement, and we could not allow ourselves to believe that the Government would permit it to create disorder in Peking, much less that the troops would join it and its doings be accepted and approved of by the Chinese authorities: in fact, the troops appeared at one time to be operating against the Boxers and protecting the Ma-chia-pu railway station from destruction, and this helped to strengthen our old faith in the security of the Capital, but to the eye of to-day that military movement was intended to obstruct the Admiral's force, and not to oppose the Boxers. On the 9th June the outlook was so threatening that the Customs and College people were called in from the scattered

quarters, and from that date to the 20th all lived at the Inspectorate, and combined with their neighbours, Japanese, Austrians, and French, to keep watch day and night. The rough plan on p. 16 will explain the relative position of houses and streets in the Legation district:—

The positions XA. B. C. and D., as first arranged, were to be held as long as possible by the Russians, Italians, Austrians, and British; XE. and F., on and under the City Wall, by the Americans and Germans; and the line XH. H. H. by the Japanese and Customs; the French at XG. were to reinforce Italians and Austrians as might be necessary. Such were the general arrangements made in advance for mutual co-operation and defence, and on the 11th June they were put in operation as soon as we heard of the murder of the Japanese Secretary of Legation, Mr. Sugiyama, by the soldiers of Tung Fuh Hsiang at the Yung-Ting Gate. And not a day too soon, for in the evening of the 13th the noise of a crowd and a rush of people were followed by the advent of the Boxers: they entered the Ha-ta-men Gate with a shout, brandishing sword and spear, and at once set fire to the Missionary Chapel (46) north of it: they then turned down the Chang-an Street and were about to burn the Chinese Imperial Bank (26), but they gave up the attempt and went elsewhere when fired on by

the Austrians: soon after flames were seen in many directions and the work of destruction was well begun before night. Meantime our isolation—a novel experience—had begun, and bit by bit we were cut off from communication with the rest of the world and even the rest of the city: the last trains left Ma-chia-pu on the 9th—the last telegrams were despatched on the 10th—the special postal courier sent overland on the 15th failed to reach Tientsin—and the last letter that got up from Tientsin was dated 16th and received 18th; the Boxers appeared to be everywhere—they were destroying railway and telegraph and stopping and searching all Chinese passers-by. The Tung Chow missionaries succeeded in getting up to Peking, with their wives and families, on the 8th June, thanks to the pluck and energy of Mr. Ament, who went down alone, some fourteen miles, on the night of the 8th to fetch them, but the Pao-ting-foo missionaries were in a trap and unable to get away. The railway engineers along the line fled, and most of them got to Tientsin or Peking, although some were lost, probably killed; the railway settlement at Chang-Hsing-Tien, besieged by Boxers, was relieved by an expedition organized and headed by M. and Madame Chamot, and thus some three dozen people, men, women, and children, were conducted safely to Peking. Efforts were


PLAN
OF
LEGATIONS
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PLAN OF LEGATION DISTRICT.

Explanation of Numbers, etc.

1. Dutch Legation.
2. Russo-Chinese Bank.
3. Imbeg's Store.
4. American Legation.
5. Kierulff's Store.
6 and 7. Peking Syndicate.
8. German Legation.
9. Club.
10. Yang Low (Customs).
11. Jean Renaud.
12. Dr. Coltman.
13. Russian Legation.
14. Spanish Legation.
15. Japanese Legation.
16. Peking Hotel.
17. French Legation.
18. Italian Legation.
19. British Legation.
20. Dr. Morrison.
21. Inspectorate of Customs.
22. Post Office.
23. Customs Gas Works.
24. Austrian Legation.
25. Jung Kung Foo.
26. Chinese Imperial Bank (Mr. Houston).
27. Carriage Park.
28. Han Lin.
29. Mongol Market.
30. Soo-Wang-Foo.
31. Tang-tszu.
32. Legation Street (Chiang-mi-Hsiang).
33. Chang-an-Street.
34. Northern Bridge.
35. Central Bridge.
36. Southern Bridge.
37. Dusty Lane.
38. Chien-men Gate.
39. Ha-ta-men Gate.
40. City Wall (Tartar).
41. Chinese City.
42. Palace.
43. Imperial City.
44. Electric Light Works.
45. Methodist Mission.
46. Missionary Chapel.
47. Belgian Legation.
48. Street under Wall.
49. Canal.
50. Wang-ta Street.

XA. Russian Picquet.
XB. Italian „
XC. Austrian „
XD. British „
XE. American Picquet.
XF. German „
XG. French „
XH. Japanese „

made to send special messages to Tientsin and to communicate with the Admiral and reinforcements, but without success, and by the 16th we foreigners in Peking were practically and completely isolated. On the 10th June a telegram went to the Canton Viceroy, Li Hung Chang, explaining the state of affairs, and requesting him as her oldest and most trusted adviser to telegraph to the Empress Dowager and say that the counsels of her Boxer Councillors would imperil Empire and Dynasty, and warn her that, whatever else hands might be laid on in Peking, Legations and Foreign Representatives must be held sacred and left alone. This was followed up by an explanatory letter which left on the 12th; it is believed they both reached, and that it was in some degree owing to their effect that the attacks on the Legations were spun out so curiously, instead of destroying us during the first weeks of the siege, and Li himself eventually transferred to the Tientsin Viceroyalty in July.

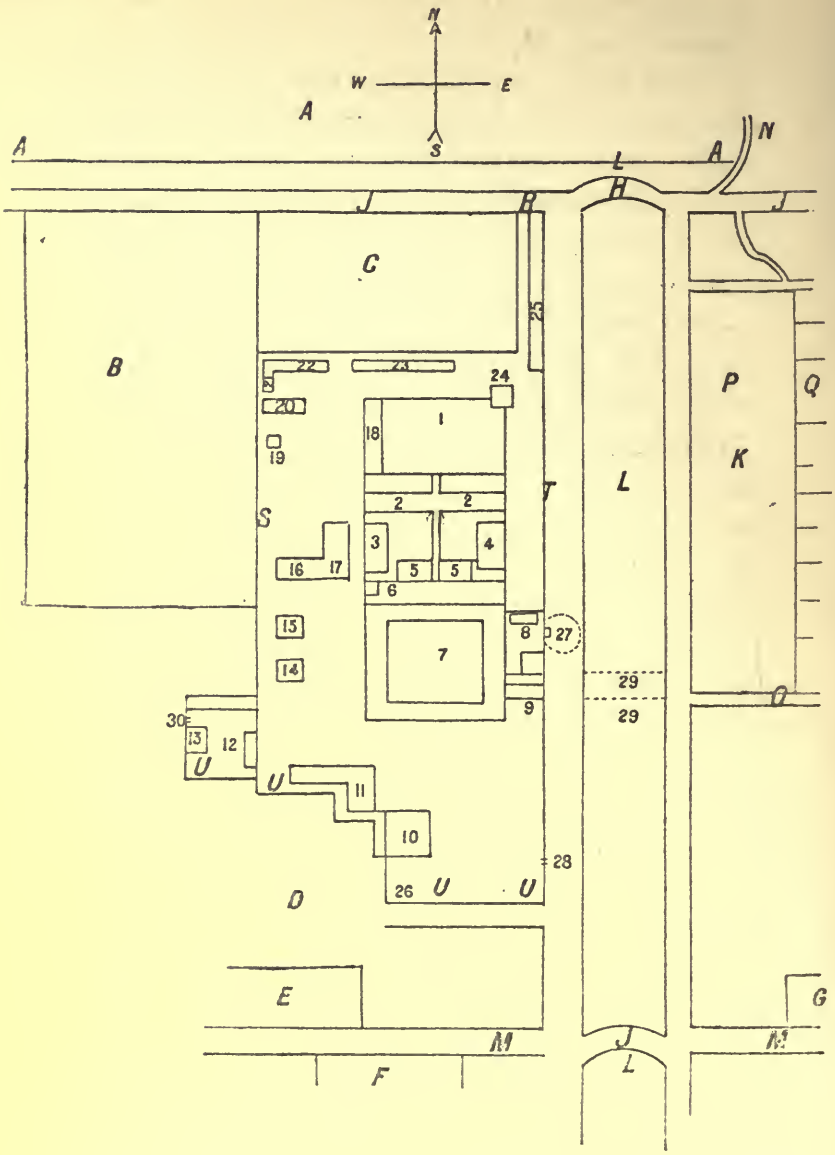
Up to the 20th June we had only the Boxers to deal with, but on the 19th we were surprised by a Circular Note from the Yamên (Chinese Foreign Office) stating that the foreign Naval authorities at Tientsin were about to seize the Taku Forts, and ordering Legations to quit Peking within twenty-four hours. The Legations replied, and represented to the Yamên that

they knew nothing of the Taku occurrence—that they regretted any misunderstanding—and that they could not possibly quit, or make transport arrangements, on such short notice. A proposal to visit the Yamên in a body was set aside, but on the morning of the 20th Baron von Ketteler, the German Minister, attended by his interpreter, Mr. Cordes, set off for the Yamên alone: his colleagues advised him not to go, but he felt that, having announced his visit, he must pay it. Ten minutes after he left the Legation his Chinese outriders galloped back, saying that he had been shot when going up the Ha-ta-mên Street. His interpreter, badly wounded, managed to escape to the Methodist Mission and was thence taken back to the German Legation. It had previously been decided in case of attack to hold all the Legations as long as possible, but to fall back on the British Legation when necessary for united defence and a final stand; the order to quit Peking and the seemingly official murder of a Minister rather precipitated matters, and before the twenty-four hours' limit had expired (4 p.m. 20th June) all the ladies and children were in the British Legation and also the various foreign representatives, etc. A misunderstanding, however, occurred, and the Customs were unexpectedly warned that the Austrians could not hold their position, but

would abandon it and retire on the French Legation at 2 p.m. This upset previous plans and forced the Customs, almost without preparations, to desert the Inspectorate, which they had hoped to continue to occupy, and so at 3 p.m. Austrians and Customs were marching down the street together to the French and British Legations: thus the XC. D. line of defence along the Chang-an Street had virtually been given up without a blow. Precisely at 4 p.m. firing began, and rifle bullets were whistling down the Wang-ta Street between Austrian Legation and Inspectorate and over the heads of the French Picquet at XG. By 5 o'clock we were all quartered in the British Legation and the siege began, one of its first incidents being the disappearance of Professor Huberty James—a gallant and amiable man—who, returning from Dr. Morrison's house, took the North and not the South lane, and was either killed or made prisoner by the Chinese soldiers on the North Bridge before our eyes. The plan on p. 22 will serve to show how the accommodation in the Legation was distributed among so many people, and also the points that had to be guarded and defended.

Before the Boxers entered the city some additions were made to the Yamên, or Foreign Office, and of these new ministers the most remarkable was Prince Tuan—grandson of Tao

Kwang, son of the Fifth Prince, nephew of Prince Kung and the Seventh Prince, cousin of Tung Chih and Kwang Hsü, and father of the *Ta-A-Ko*, or heir-apparent. This appointment was considered by most foreigners in Peking objectionable on account of the Prince's known anti-foreign tendencies, but to my mind it was a good one: the Empress Dowager had probably said to the Prince, "You and your party pull one way, Prince Ching and his another—what am I to do between you? You, however, are the father of the future Emperor, and have your son's interests to take care of; you are also a head of the Boxers and chief of the Peking Field Force, and ought therefore to know what can and what cannot be done. I therefore appoint you to the Yamên: do what you consider most expedient, and take care that the throne of your ancestors descends untarnished to your son, and their Empire undiminished! Yours is the power—yours the responsibility—and yours the chief interests!" I can imagine the Empress Dowager taking this line with the Prince, and, inasmuch as various ministers who had been very anti-foreign before entering the Yamên had turned round and behaved very sensibly afterwards, I felt sure that responsibility and actual personal dealings with foreigners would be a good experience and a useful education for this Prince, and that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PLAN.

Explanation of Numbers, etc.

1. British Minister.
2. Marine Officers, etc.
3. Legation Chapel (Missionary Families).
4. Customs' People.
5. Refugees.
6. Bell Tower.
7. Tennis Lawn.
8. Gate House.
9. Russian Minister, etc.
10. Sec. House (Missionary Refugees, etc.).
11. Hospital (wounded, etc.).
12. Southern Stables.
13. Stable Yard House (Missionary Refugees, etc.).
14. French Minister, etc.
15. Mr. Cockburn.
16. Mr. Ker.
17. American Minister, etc.
18. Japanese Minister, etc.
19. Hospital for Infectious Diseases.
20. Theatre (Marines' Mess).
21. Students' Library.
22. Refugees, various.
23. Refugees, Chinese.
24. Two-story House.
25. Northern Stables.
26. Burial Ground.
27. Battery and Flagstaff.
28. Southern Gate.
29. Passage to Foo.
30. Western Gate.

A. Imperial City Wall.
B. Carriage Park.
C. Han Lin.
D. Mongol Market.
E. Russian Legation.
F. American Legation.
G. Spanish Legation.
H. Northern Bridge.
I. Central Bridge.
J. Chang-an Street.
K. Soo-Wang-Foo.
L. Canal.
M. Legation Street.
N. Dusty Lane.
O. Passage through Foo.
P. Foo Gardens.
Q. Foo Buildings.
R. Northern Front. } Legation Defences.
S. Western Front. } Legation Defences.
T. Eastern Front. } Legation Defences.
U. Southern Front. } Legation Defences.

he would eventually be one of the sturdiest supporters of progress and good relations—I therefore augured the best from his appointment to the Yamên. But the demand for the surrender of the Taku forts upset this and all other calculations, and so far—although the Prince is doubtless increasing his education and we have been feeling his hostility—we have not seen him, and his future influence will be a questionable factor.

After setting fire to the missionary chapel in the Ha-ta-mên Street on the 13th June, the incendiaries continued their work, and destroyed every foreign house they could touch, and every Chinese establishment selling foreign goods or connected with foreigners; of course adjoining buildings caught fire too, and in some districts these conflagrations made a desert of the richest and most populous quarters. In this way the Austrian, Italian, Dutch, and French Legations, the Customs Inspectorate, Postal and College buildings, the extensive Missionary premises in the Hsiao-shun, Têng-shih-k'ou-'rh, Yen-'rh, Erh-tiao, and Jung-Hsien Streets, the Russo-Chinese and Chinese Imperial Banks, Imbeg's Store, and Chinese houses without number were destroyed. Even we ourselves in the various Legations were obliged to burn anything near us in self-defence, and from first to last a fire inside a Legation was what all dreaded most.

Every hour was full of incident, but I do not pretend or purpose to chronicle all that happened, and am merely giving a bird's-eye view of the situation to introduce a few remarks on the possibilities and changes the world will now have to face.

The Ying-Kuo-Foo, or British Legation, was styled the Liang-Kung-Foo in 1860, and was occupied by the Duke Liang, when selected as a residence for the British Minister. It covers a large piece of ground, some 2000 feet long by 600 broad, and is bounded on the north by the Chinese official departments known as the Carriage Park and Han Lin, on the east by the canal, on the south and west by the Mongol market, Carriage Park, and Chinese dwellings. On the opposite side of the canal is the Soo-Wang-Foo, or Prince Soo's Palace; south of the Mongol market are the Russian and American Legations; and north of the Carriage Park and Han Lin runs the long, straight, and broad Chang-an Street. In addition to the original picturesque Chinese halls modified for and resided in by the British Minister, some dozen buildings have been constructed in foreign style for the Legation staff. When we took refuge in the Legation on the 20th June the Legation staff most obligingly vacated their rooms for refugees or shared their houses with them: separate buildings were assigned to the

American, French, and Russian Ministers and Customs Inspectorate; rooms were found for the Belgian, Italian, and Japanese Ministers; the Spanish and Dutch Ministers shared other people's quarters; the German Chargé remained in his own Legation, and with him was the Austrian Chargé also; the Missionary families were given the Legation chapel with the hall opposite, and also two large two-storied buildings on the south side of the Legation; a miscellaneous crowd — Belgians, Germans, French, Japanese, Norwegian, etc.—occupied the students' quarters, and a number of Chinese women and children were packed into a row of buildings along the north wall. Of non-Chinese there must have been some 600 people, while the Chinese Christian refugees and protected domestics must have numbered in Legation and Soo-Wang-Foo some 1000 and 2000 respectively. Among the refugees in the Foo were the mother and family of His Excellency Tching Tchang, formerly Chinese Minister in Paris. All these Chinese behaved very well, and when requisitioned worked admirably. Seeing that they were even more than ourselves the people the Boxers wished to massacre, and were so singled out for their foreign proclivities, it was at once decided to protect them, and they had already flocked in from every part of the city and some even from the country. One lot in

particular was rescued from the Nan-Tang (Southern Cathedral) by a party consisting again of M. and Madame Chamot (*née* Macarthy, San Francisco), Willie Duprée, and others—the same who had brought in the Belgians from Chang-Hsing-Tien. Madame Chamot's gallantry and her husband's pluck and resourcefulness were the admiration of everybody, and the services they rendered us all of every kind cannot be too highly spoken of. Young Duprée, a lad of seventeen, was also a volunteer on several other expeditions, when his courage and knowledge of Chinese were most useful—notably the one that killed some fifty Boxers found massacring a couple of dozen Christians in a temple off the Wang-ta Street about the 15th June.

The refugees speedily shook themselves into shape, and arranged how best to rough it as regards food and sleep. Crowded numbers, limited accommodation, and the absence of everything in the shape of privacy, comfort, and ordinary convenience, were naturally disagreeable factors for a Peking summer, but the thought that all were in the same boat and must make the best of it till succour arrived, and hold out at all costs against a common massacre, inspired each and all with courage, resignation, and sympathy. The ladies had to attend to cooking and domestic work of every

kind in public and in the open, and they did so with a practical good sense and a Christian cheerfulness beyond all praise. All had been instructed to bring their own provisions, and fortunately—considering how unexpectedly long the siege lasted—did so. Besides, close to the Legation were three large European stores—Tallieu's, Kierulfi's, and Imbeg's — and also several Chinese shops of various kinds. From all of these everything likely to be useful was brought in as fast as possible: rice, flour, meal, fuel, tinned stores, preserves, etc., etc., etc., were found, and also quantities of piece goods—cottons, silks, and satins. Thus food for six or eight weeks was secured, and stuff for the manufacture of sandbags to crest the walls and barricades required for defence and for hospital use. Every lady made her share of sandbags—and it was wonderful where needles and thread came from!—and as for finding and bringing in food supplies, the activity and energy of MM. Chamot, Duprée, and Fargo Squiers (the gallant young son of the American Secretary of Legation, an Eton boy) were astonishing. Mr. Dering of the British Legation also toiled incessantly for days with admirable persistence over the work of providing fodder for the ponies (all destined to be eaten) and the sheep that were then obtainable. The stock of ammunition was a cause of some anxiety,

but after a couple of days or so every man settled down to using it only when it could be relied on to kill, and economy became the rule all round—in fact, it was sometimes curious to note the silence and stillness of the Legation, not a shot replying to the furious fusillade kept up by the Chinese from their secure hiding-places on the neighbouring roofs and behind the loopholes in their barricades. But although as few shots were fired as possible, constant watch had to be kept, and men had to be sent to one place or another—sometimes in the British Legation itself and sometimes to other Legations—where and when attack was fiercer or more threatening. At first a mere affair of Boxers armed with sword and spear, from the 20th of June on we had also the soldiers to deal with: they fixed some Krupp guns and some smooth-bore cannon on the city wall to the south and at various places near the Legations, and they had besides the very newest and best kinds of repeating rifles in their hands: one day were counted as many as seven hundred shot and shell fired at the Legations, and the tens of thousands of rounds of ammunition they daily expended when rifle-firing kept up a frightful din. While the weather was fine, sentry work, etc., was no great hardship, but we had some wet nights, and then to lie crouched on the top of a wall behind sandbags or stand

motionless in a trench behind a barricade was extremely trying. The Marines, seventy-five all told, were supplemented by a dozen Legation men and twice as many Customs people for regular duty, and there were besides, for special defence in the event of a general attack, some seventy or eighty armed volunteers (missionaries included). Our ears became so accustomed to the constant whistle and crack of rifle bullets, and to the heavier noise of the cannon, that when some quiet days intervened we found the silence even more trying; amidst all the din there was an element of the comic too, for, to increase the noise and so the more effectually terrify us, our assailants let off strings and strings of fire-crackers! For the general safety it was essential that the southern city wall should be held between the Chien-mên and Ha-ta-mên gates: the Americans faced west to hold the first behind their Legation, and the Germans east to hold the second behind theirs. For the safety of the British Legation in particular it was equally indispensable that the Soo-Wang-Foo, across the canal, should not fall into Chinese hands, and it was held by Colonel Sheba and the plucky Japanese with a persistence, gallantry, skill, and forethought that were most admirable. The Germans, however, eventually abandoned their position on the wall on noticing the Americans doing the same; but,

strongly reinforced by British and Russians, the latter quickly retook the forsaken post under the able guidance of Mr. Squiers, and then strengthened it daily, and held on to it till the end; unfortunately the Chinese advanced along the wall from the Ha-ta-mên Gate, and thus the Germans never reoccupied their portion of the wall, and various inconveniences resulted therefrom. The Austrian, Dutch, and Italian Legations were forsaken early and forthwith burnt; the residential part of the French Legation was taken by the Chinese step by step after obstinate fighting, but the remainder was pluckily held to the last by the Commandant D'Arcy and men with only a wall between assailant and assailed; the other Legations, and also the Peking Hotel (M. Chamot), were riddled with shot and shell and showers of rifle bullets, but, skilfully and obstinately defended, the Chinese never got possession of them. The American Colt machine-gun did splendid work on the wall, but the Austrian and British machine-guns were not thought a success: the absence of the Russian gun left behind at Tientsin was terribly felt when the Chinese took to constructing barricades and mounting cannon behind them. The Jubilee bell in the British Legation was occasionally sounded as an alarm, and then everybody turned out either to fight fires or assailants: fortunately neither effected

an entrance, but on two occasions it seemed all but impossible to prevent fire from crossing our walls and destroying us. At the French Legation the Chinese resorted to mines with success: on one occasion, when the first mine exploded, the Austrian Chargé, Mr. von Rosthorn, was buried in the ruins; the second explosion vomited him forth free and unhurt—a miraculous escape—but the assailants then made good their position inside the Legation walls.

Up to the 20th June we had—as already stated—only Boxers armed with sword and spear to fear, but on that day rifles began to be used, and soldiers fired them—notably men belonging to Tung Fuh Hsiang's Kan-suh command. Our longing for the appearance of Admiral Seymour grew intense, and night after night we buoyed ourselves up with calculations founded on the sound of heavy guns in the distance, or the appearance of what experts pronounced to be search-lights in the sky: soon, however, we gave up all hope of the Admiral's party, but, supposing that the Taku Forts had been taken on the 18th, we inferred that a few days later would see a large force marching from Tientsin for our relief, and that within a fortnight it would be with us—otherwise why imperil us at Peking by such premature action at Taku? From the 20th to the 25th June a

brisk rifle fire raged round each Legation, and our anxiety began to be acute. On the 25th a white board was put up by the Chinese on the North Bridge purporting to communicate an Imperial Edict ordering Legations to be protected and firing to cease (Query: had Li received the telegram and wired to the Empress Dowager from Canton?), and it added that despatches would be interchanged at the Bridge. Firing did cease at once, and we were all delighted to infer therefrom that the Government had regained its senses, and that the peace party was in the ascendant: was this due to the near approach of a victorious relieving force, some asked, or simply to the action of advisers who understood something about the sanctity of Legations and the privileges of national Representatives? A reply was put up on the Bridge saying we were ready to receive any despatches; but no despatch ever came, and, after three days' quiet, firing recommenced—not rifle bullets only this time, but shot and shell began to fall in and screech over the Legations, and our plight was worse than ever. The respite given was probably to throw us off our guard and arrange other plans for our hurt—perhaps also to put some friendliness on record. The cannon were at the Chien-mên and Ha-ta-mên Gates on the city wall, and also at various points near to and commanding the Legations and Soo-

Wang-Foo. The casualties were considerable, our killed mounting up to about sixty and the wounded to a hundred at the end of July. Several attempts had been made to send messages to meet the expected relieving force and to let people at Tientsin know our condition, but the cordon round us was so tight and our isolation so complete that they had evidently failed to get through. At last, about the 16th July, one messenger reappeared: he had been caught going out and taken before the Chinese Commander-in-Chief, Jung Luh, and thence sent back to the Legation bearing an informal note purporting to come from "Prince Ching and others." This led to an interchange of letters between Legation Ministers and Yamên, and about the 18th firing was again discontinued, to be begun again—but this time by rifles alone—about the 24th. On the 18th a messenger actually got through from Tientsin with the news that 33,000 men would start thence in a few days: this news had, of course, we thought, also reached the Peking authorities, and had possibly had something to do with their change of attitude, but, as a week's later news said nothing about a start, the first news had probably been discredited, and so the "snipers" were allowed to begin firing again. Rumour, too, said the Pei Tang, or Northern Cathedral —where Monseigneur Favier with some thirty

missionaries, two thousand Christian refugees, and a guard of forty-three French and Italian sailors, had gallantly made a stand from the middle of June—was being heavily bombarded. Among the "Prince Ching and others" letters that came to the Legation, one invited the Ministers to take refuge at the Yamên, each to bring a suite of ten persons and all to be unarmed, but, remembering poor Von Ketteler's fate, this was not accepted. Another was also declined desiring the Legations once more to quit Peking and repair to Tientsin: this last wish was renewed a couple of times, and it was evidently either a plot to murder all *en route*, or a device to prevent foreign troops from entering Peking. Another communication, this time a duly sealed official despatch, informed the Representatives of Germany, France, Russia, England, and United States that the Chinese Emperor had telegraphed to their respective sovereigns, etc., begging their good offices, etc. Meantime one of Tung Fuh Hsiang's men made friends with Colonel Sheba's people, and for a daily gratuity provided information: in this way and according to this worthy, we learnt that our troops fought victorious battles at Yang-tsun, Ts'ai-tsung, Hosewoo, An Ping, Matow, and Chang-kia-Wan, etc., and were within a day or two's march of Peking on the 30th July. Chinese firing was somewhat heavier on July

30th and 31st, and August 1st, and again slackened on August 2nd. On July 31st a Japanese messenger brought a real Tientsin letter of the 26th, stating that the march on Peking would begin in two or three days, and on the 2nd August an American messenger came in also with real letters, giving additional news and stating the march had begun on the 30th July. The same day we got the *Peking Gazette* of the 28th July, containing an Edict condemning to death the Yamên Ministers Hsü-Ching-Chêng (formerly Minister to Russia and Germany) and Yuan C'hang, the chiefs of the two educational establishments known as the Ta-Hsio-Tang (President, Dr. Martin) and Tung-Wên-Kwan (President, Mr. Oliver), and their cruel fate shocked and depressed us. Thus the daily reports that had reached Colonel Sheba were shown to be clever concoctions, and we had again to console ourselves with thinking that, although the march on Peking had only just begun, yet now we were once more in communication with the outside world, knew for a fact that the march was commenced, and could afford to laughingly treat the concocted reports as so many forecasts of what would shortly be facts. Naturally we had to face various possibilities: the rainy season might begin any day and delay and protract the march, and the infuriated Government

might order an attack on us in force, and wipe us out before relief could arrive; and again there were many native Christians "of sorts" among us, and might there not be an attempt to buy them back to their duty as subjects of the Emperor, and induce them to co-operate inside our walls with fiercer assailants from without; while, as to the foreign troops coming from Tientsin, even if they should reach Peking, would not they be besieged in turn in the city, and require assistance themselves to get away again? We treated these worrying thoughts as light-heartedly as we could, and adopted for guidance the principle that the more we seemed to be favoured by circumstances, the more precautions ought we to take and the more on our guard we ought to be. On the 19th June the Yamên had notified the Inspector-General of Customs that Legations had been given twenty-four hours' notice to leave Peking; on the 21st July two Red-letters came over one of the barricades to him, the first asking his whereabouts, and the second asking what reply he wished the Yamên to make to a proposal that had come up through the Nanking Viceroy concerning the transaction of Inspectorate-General work during his isolation; on the 25th July came another Red-letter, enclosing a telegram of inquiry from the Shanghai Commissioner of Customs, and stating all was quiet there; and on the 27th

and 30th July, and 7th and 10th August, he received four other such letters, one accompanied by some vegetables and flour, another enclosing a London telegram asking our news, and also suggesting he should prepare telegrams to each of the Powers saying the Legations were well, and a third forwarding a family telegram. From an inquiry made in both London telegram and a Tientsin letter for another refugee, it was evident it had everywhere been given out that the Government was both protecting and provisioning the Legations! We had always feared some such assurances would be our ruin, but fortunately for us the telegram of Mr. Conger, the United States Minister, exploded this idea about the 18th July, and the Governments concerned woke up to the fact that their representatives were in danger. As to provisioning—we were completely cut off from the market, and dependent on what we chanced to have in the Legation, on and after the 20th June; the cordon of Chinese troops drawn round us isolated us completely, and, excepting two or three scanty presents of vegetables received between the 21st and 27th July, nothing came from the Chinese Government. As to protecting—it is true we can only explain our preservation by supposing that there must have been some protection, but it was not the Chinese Government that

gave it. We were under fire from the 20th to the 25th June, from the 28th June to the 18th July, from the 28th July to the 2nd August, and from the 4th to the 14th August: night and day rifle bullets, cannon balls, and Krupp shells had been poured into the various Legations from the gate in front of the Palace itself, from the very wall of the Imperial City, as well as from numerous nearer points around us, and the assailants on all sides were Chinese soldiers; whether the quiet of the 26th and 27th June and 19th to 27th July was or was not ordered by the Government we cannot say, but the firing during the other periods, close as we were to the Imperial City and within the sight and hearing of the Palace, must have been by the orders of Government, and it cost our small number over sixty killed and a hundred wounded! That somebody intervened for our semi-protection seems, however, probable: attacks were not made by such numbers as the Government had at its disposal—they were never pushed home, but always ceased just when we feared they would succeed—and, had the force round us really attacked with thoroughness and determination, we could not have held out a week, perhaps not even a day. So the explanation gained credence that there was some kind of protection—that somebody, probably a wise man who knew what the destruction of

the Legations would cost Empire and Dynasty, intervened between the issue of the order for our destruction and the execution of it, and so kept the soldiery playing with us as cats do with mice, the continued and seemingly heavy firing telling the Palace how fiercely we were attacked and how stubbornly we defended ourselves, while its curiously half-hearted character not only gave us the chance to live through it, but also gave any relief forces time to come and extricate us, and thus avert the national calamity which the Palace in its pride and conceit ignored, but which some one in authority in his wisdom foresaw and in his discretion sought how to push aside.

After quarters had been distributed and food supply seen to, a General Committee was appointed, with full powers to enforce its orders, supported by various sub-committees to attend to fortifications, sanitation, labour, wells, fires, commissariat, etc., etc., etc. These committees proved most useful, and in particular the fortification one under Mr. Gamewell: this gentleman, who belongs to the American Methodist Mission, had similarly protected the Mission's extensive premises near the Ha-ta-mên Gate during the first three weeks of June, and his energy, activity, ability, and good-nature were conspicuous throughout: I one day heard Mr. Smith ("Chinese Characteristics") refer to him

as "a representation of limited omnipresence." Mr. Gamewell's work was well supported by MM. Hobart and Tewkesbury, also missionaries, and by Mr. Stell, another refugee: these had special charge of the Chinese refugees, kept count of them, fed them, and arranged them in working parties for duties of every kind and everywhere. In fact, without the assistance of these able, energetic, and devoted men the Legation defence might have had another story —or none at all—to tell! Another name was also constantly heard, Colonel Sheba's: he commanded the Japanese and had charge of the line they were to hold, which included more especially the Soo-Wang-Foo, and his successful retention of the western line when driven back step by step from the eastern one was as brilliant an achievement as ever a handful of men accomplished. The safety of some two thousand Christian refugees depended on this, as did also the holding of the British Legation. Men felt it was an honour to serve under his orders, and his endurance, readiness, coolness, courage, and courtesy were the admiration of all who were near or under him. The American marines had also a very difficult position to hold on the wall, but thanks to the assistance of allies and more especially to the fortification arrangements prepared by Mr. Gamewell and the pluck and decision of the American

Secretary of Legation, Mr. Squiers, they held it in spite of the superior numbers and fierce fire they had to face and the necessity for constant watchfulness day and night during the eight weeks the siege lasted, exposed to a burning sun by day and drenched by occasional tropical downfalls of rain by night. When the senior of the marine officers, Captain Strouts, succumbed to the terrible wound he received in the Soo-Wang-Foo on the 16th July, the British Minister requested Mr. Squiers to take charge of military work in the British Legation as his Chief of the Staff, and this arrangement gave great satisfaction to the refugee public. Captain Strouts' death was a specially sad one: with the exception of a slight scratch under the ear which would have killed him had it been a hair's breadth deeper, he had gone through four weeks' work safely, always moving around and always calm, cool, and self-contained; on the 16th, accompanied by Dr. Morrison (*Times* correspondent) and Colonel Sheba, some duty took him to an exposed part of the Soo-Wang-Foo, and the party had scarcely shown themselves when one rifle bullet passed through Colonel Sheba's coat, another wounded Dr. Morrison severely in the thigh, and a third struck down Captain Strouts with a terrible injury to the lower part of the abdomen, and an hour after the gallant fellow had passed

away. Another correspondent, Dr. Gilbert Reid, known to the English public, was also among the wounded about the same time: when crossing the Central Bridge a rifle bullet hit him in the calf of the leg, but he made a good and comparatively quick recovery. Besides the Legation doctor, Dr. Poole, the wounded were fortunate in being in the hands of a very superior and first-class man, Dr. Welde of the German Legation, whose skill and devotion to his work, supported by some professional nurses and lady doctors who chanced to be among the missionary refugees, were invaluable. Fortunately several things combined to support the Ministerial decision to hold out: the Legations were near enough each other to keep touch—sufficient food supplies had been secured from the very first—in every Legation there was at least one well, and in the British no less than eight—the weather could not have been more favourable, not too hot and only a little rain—the health of the crowded refugees was disturbed by no epidemic—the assailants, although constantly attacking, never seemed able to put forth all their strength—and all the refugees were hopeful and every one willing to do whatever he or she could do in the general interest. Of course the outer defences had to bear the brunt of the fighting, and, apart from the city wall position which dominated all, and the Soo-Wang-Foo

which commanded the British Legation—to both of which I have more pointedly referred because really part and parcel of the British defence—the French, German, American, and Russian Legations had their separate, disagreeable, and even terrible experiences, and came out of them gallantly and successfully. Further, not until all these had fallen and the surviving defenders had retired on the British Legation —where the last stand was to be made—would its real trial come, although its northern and western fronts were also of the nature of outer defences, and it is not to be inferred from so much being said about the British Legation that it alone was attacked and defended.

And so the weary, wearing weeks went by, a massacre the certain ending if our assailants should get the better of us, and our only hope that a relief force must arrive some day—sooner or later. After the 18th July we had comparative quiet; untimely exposure on the part of one of us would occasionally tempt some of the men forming the cordon surrounding us to shoot, but, except from the 28th July to the 2nd August, and from the 4th to the 14th August—during which days there was considerable rifle-firing—we were not much disturbed by alarms or attacks, and indeed some of us found it more difficult to bear the discomforts of isolation and unwelcome surroundings

during the calm than during the din which preceded it. Meantime the defences were being strengthened at every point, and every possible effort was made to be ready to meet and repel any attack which irritation or despair might cause on the nearer approach of a relieving force; onlookers began to discuss the possible solution of the present situation—would it shake the dynasty, or would the Powers forget it as individuals do toothache or sea-sickness? Some one hazarded the opinion that, interests being so varied, it might even lead to war between the Western Powers themselves! Other refugees began, too, to consider how they should lodge themselves when the siege ended, while the various Legation families made their calculations regarding the possibility of returning to their own quarters in their respective Legations. It was not till the 29th July that communication with the outside world was felt to be re-established. On that day a smart lad who had started on July 4th with a note from the British Minister to the Consul at Tientsin returned with an answer from the latter dated 22nd: it was neither as full nor as plain as could be desired, and its news depressed us somewhat, for it was evident that as yet the march on Peking had not commenced. This was followed on the 31st July and 2nd August by the letters brought by the messengers for

the Japanese and American Legations already alluded to: we then felt we had fact to stand on, and that if we could only hold out, relief, really coming, was certain. The Yamên meanwhile was persistent in its demand for Legations to proceed to Tientsin, and an Edict even appeared ordering the Commander-in-Chief Jung Luh to depute high officers, civil and military, to escort them; this and another Edict of the same or the day before expressed friendly sentiments towards Ministers, missionaries, merchants, and converts, but the inner meaning was more than doubtful—was it a device to overpower Legations *en route*, or to prevent foreign troops from entering Peking, or to get hold of and execute all the converts there left behind? On the 4th August our assailants' rifles again began to be troublesome, and the list of killed and wounded was added to. On the 7th some additional barricades isolated us even more than ever, and at the same time despatches from the Yamên announced that Li Hung Chang was appointed to arrange matters by telegram with the various Foreign Offices: this appointment perplexed us—would the various governments at his request recall the relief force and thus ruin our last chance of safety, or would they tell the wily old gentleman that their views would be communicated after the arrival of their troops in Peking? In fact, Li did wire

to the Russian Foreign Office to say that all the Legations had safely arrived at Tientsin under Jung Luh's escort and all but succeeded in his first move as negotiator. On the 8th the firing was lighter, and letters of condolence came from the Yamên communicating the news of the deaths of the King of Italy and the Duke of Edinburgh, but on the 9th heavy firing was resumed, and grew heavier and heavier until the 14th, the nights of the 12th and 13th being specially noisy, and the latter so threatening—one shell bursting in the Minister's bedroom—that the Jubilee bell summoned everybody to arms twice. Our previous assailants had been withdrawn, and the newly arrived Shansi contingent had taken their places, armed with the very best repeating rifles and headed by a General who undertook to finish with us in five days, "leaving neither fowl nor dog." Their five days were ending on the 12th, and the General was at the barricades in person encouraging his men; but happily part of the barricade gave way and exposed those behind it, who were at once shot by our people, the General himself falling to the rifle of a Customs' volunteer, Mr. Bismarck. Our position had been strengthened in every way, but the assailants were growing bolder, and the experiences of the 13th showed tha they would probably rush it in overwhelming numbers the next attack.

Fortunately for us, the morning of Thursday the 14th brought us the welcome sounds of the Maxims and guns of the relieving forces, and about 3 p.m. General Gazelee, and soon after General Chaffee, were shaking hands with us. The first man to enter the Legation grounds was a British officer, and his welcome was enthusiastic: it was amusing to see how the Indian troops took our cheers and responded to them, and we wondered at the sprightly step and beaming face with which they finished their fatiguing march. "Prince Ching and others" proposed a visit on the 13th, but excused themselves, and the last hours of the siege were marked by the deaths of a gallant Frenchman, Captain le Franc, and a German soldier, who, just released from hospital with his first wounds healed, was shot dead an hour after; also by the execution of two other Ministers of the Yamên named Hsü Yung I and Lien Yuen, whose offence was probably disapproval of the Government's warlike policy. One of the Ministers, Mr. Knobel, Holland, was also wounded in the leg after the troops reached the Legation. The siege began Wednesday the 20th June, and ended Tuesday the 14th August. The Peitang, or Northern Cathedral, was relieved on the 16th, and the body of Baron von Ketteler recovered.

What precedes, as already explained, is not

a chronicle—it is simply a note to give readers a bird's-eye view of the unprecedented occurrences of a Peking summer and prepare the way for directing attention briefly to the future thereby foreshadowed: as for daily details, they will be found in many quarters elsewhere from the reports and pens of many observers. This episode of to-day is not meaningless—it is the prelude to a century of change and the keynote of the future history of the Far East: the China of the year 2000 will be very different from the China of 1900! National sentiment is a constant factor which must be recognized, and not eliminated, when dealing with national facts, and the one feeling that is universal in China is pride in Chinese institutions and contempt for foreign: treaty intercourse has not altered this—if anything, it has deepened it, and the future will not be uninfluenced by it. The first question now to be settled by the Treaty Powers is how to make peace, for China is at war with all; and what conditions to impose to safeguard the future, for the stipulations of the past have been set at defiance and obliterated. There would seem to be a choice between three courses—partition, change of dynasty, or patching up the Manchoo rule. As regards partition—that plan, like every other, has its good and its bad sides; but, with such an enormous population, it could never be

expected to be a final settlement, and unrest and unhappiness and uncertainty would run through all succeeding generations. The Chinaman is a very practical person, and accepts the rule of those who have the power to rule and the good sense to rule justly with greater equanimity than others; but, all the same, there is such a thing as Chinese feeling and Chinese aspiration, and these will never be stamped out, but will live and seethe and work beneath the surface through all time, even under the most beneficent rule, and in the end—it may be sooner, it may be later—assert themselves and win their object. That the future will have a "yellow" question—perhaps a yellow "peril"—to deal with, is as certain as that the sun will shine to-morrow: how can its appearance be delayed, or combated, or by any action taken now turned into harmless channels? As to setting up a new dynasty—there is no man of mark all China would accept; the plan would plunge the country into years of anarchy, and for a dynasty to be established by a concert of foreign Powers would be an ear-mark of weakness and disgrace for ever after. Remains, then, the third plan —to accept the existing dynasty as a going concern, and, in a word, make the best of it. The present dynasty is far from effete; its mandate runs through all China—its recognition would be the easiest solution for all

powers to acquiesce in—and support given to it would restore general tranquillity more quickly and more effectually than any other action; the possible flight of the Court may, however, introduce a new element and require yet another arrangement.

But what is this "Yellow Peril"? The Chinese, an intelligent, cultivated race, sober, industrious, and on its own lines civilized, homogeneous in language, thought, and feeling, which numbers some four hundred millions, lives in its own ring-fence, and covers a country made up of fertile land and teeming waters, with infinite variety of mountain and plain, hill and dale, and every kind of climate and condition, producing on its surface all that a people requires and hiding in its bosom untold virgin wealth that has never yet been disturbed, —this race, after thousands of years of haughty seclusion and exclusiveness, has been pushed by the force of circumstances and by the superior strength of assailants into treaty relations with the rest of the world, but regards that as a humiliation, sees no benefit accruing from it, and is looking forward to the day when it in turn will be strong enough to revert to its old life again and do away with foreign intercourse, interference, and intrusion. It has slept long, as we count sleep, but it is awake at last, and its every member is tingling with

Chinese feeling—"China for the Chinese and out with the foreigners!" The Boxer movement is doubtless the product of official inspiration, but it has taken hold of the popular imagination, and will spread like wildfire all over the length and breadth of the country; it is, in short, a purely patriotic volunteer movement, and its object is to strengthen China—and for a Chinese programme. Its first experience has not been altogether a success as regards the attainment through strength of proposed ends, the rooting up of foreign cults and the ejection of foreigners; but it is not a failure in respect of the feeler it put out—will volunteering work?—or as an experiment that would test ways and means and guide future choice. It has proved how to a man the people will respond to the call, and it has further demonstrated that the swords and spears to which the prudent official mind confined the initiated will not suffice, but must be supplemented or replaced by Mauser rifles and Krupp guns. The Boxer patriot of the future will possess the best weapons money can buy, and then the "Yellow Peril" will be beyond ignoring. Wên Hsiang, the celebrated Prime Minister of China during the minority of Tung Chih in the early sixties, often said, "You are all too anxious to awake us and start us on a new road, and you will do it; but you will all regret

it, for, once awaking and started, we shall go fast and far—farther than you think—much farther than you want!" His words are very true.

The first doings of the Boxer patriots show that their plan of operations was on the one hand to destroy Christian converts and stamp out Christianity, and thus free China from the, in their eyes, corroding influence of a foreign cult, and, on the other—not to hurt or kill, but —to terrify foreigners, frighten them out of the country, and thus free China from foreign trespass, contamination, and humiliation. These are the objects which will be kept in view, worked up to, and in all probability accomplished—with other weapons in their hands—by the children or grandchildren of to-day's volunteers: I say "in all probability," for only either a certain kind of foreign intervention, begun now and steadily and systematically pursued, might avert it, or another agency working a radical change might turn national energy into another channel. If the powers could agree among themselves and partition China at once, and thereafter, with a common understanding, give fullest effect to the old Chinese idea and discourage militarism—make it a law that none of their new subjects could drill, enlist, or carry arms; prohibit their own and other nationals from there engaging in any

kind of trade in arms—and employ only their own race for military and police work there, it is possible that the peace-loving, law-abiding, industrious Chinaman might be kept in leading-strings until the lapse of centuries had given other civilizing influences time to work through successive generations, and so change the composition and tendency of the national thought and feeling of the future as to carry it into that sphere of international life where friendly relations, common interests, and international comity take the place of dictation, jealousy, and race-hatred, and thus blot out the "Yellow Peril" from the future of humanity. Or if, in spite of official opposition and popular irritation, Christianity were to make a mighty advance, and so spread through the land as to convert China into the friendliest of friendly powers and the foremost patron of all that makes for peace and goodwill: that too would prick the Boxer balloon, and disperse the noxious gas which threatens to swell the race-hatred programme and poison and imperil the world's future. The words "imperil the world's future" will doubtless provoke a laugh—well, let them do so, but let them stand! Twenty millions or more of Boxers armed, drilled, disciplined, and animated by patriotic—if mistaken—motives, will make residence in China impossible for foreigners, will take back from

foreigners everything foreigners have taken from China, will pay off old grudges with interest, and will carry the Chinese flag and Chinese arms into many a place that even fancy will not suggest to-day, thus preparing for the future upheavals and disasters never even dreamt of. In fifty years' time there will be millions of Boxers in serried ranks and war's panoply at the call of the Chinese Government: there is not the slightest doubt of that! And if the Chinese Government continues to exist, it will encourage—and it will be quite right to encourage—uphold, and develop this national Chinese movement: it bodes no good for the rest of the world, but China will be acting within its right and will carry through the national programme! Nothing but partition —a difficult and unlikely international settlement, or a miraculous spread of Christianity in its best form—a not impossible, but scarcely to be hoped for, religious triumph, will defer, will avert this result: is either the one or the other within the limits of practical politics or practical propagandism? I fear not! And if not, what? Then the lawlessness of the present uprising must be condoned and the Manchoo dynasty supported: to this end it will be made to "lose face" as little as possible—but trade in arms will not cease, and our sons and grandsons will reap the whirlwind. What that support is to

be and on what conditions, our generals and diplomatists will hammer out—once they have freed themselves from their initial rivalries, jealousies, and misunderstandings — following largely probably the Chinese lead itself. Then those concerned will have next to arrange what must be done to provide for the issue of compensation for lives lost and property destroyed, secure the repayment of the various loans, and carry out the concessions various syndicates have obtained, as also what new regulations the commerce of the future will require, what form the Customs Inspectorate and other semi-foreign institutions will take, how missionaries are to be treated and native Christians protected, etc., etc., etc. What may be called "hand to mouth" policy and "rule of thumb" treatment have their advocates, and will allow natural results to be gradually and regularly evolved; negotiators will, of course, be guided by general interests—though each will interpret in his own way, and will aim at settling things for the best; but whatever emerges as the result of their deliberations must run the gauntlet of the Boxer movement. The next few years may be quiet ones, and this eight weeks' nightmare will fade away in the past and be forgotten; but below the surface is the seed, and sooner or later will follow the crop. To foster and develop a volunteer system

for State defence is justifiable and commendable, but the State must be responsible for its doings, and it must be controlled by and not control the State; to accord religious liberty or to subordinate such liberty to considerations of State is not denied to independent Powers; to feel the pinch of certain treaty stipulations and, when strong enough to do so, to throw off such as were originally imposed by force, is a practice for which even Christian Powers have set pagan States more than one example: in judging on such points China is entitled to the full benefit of all these considerations. But the international episode now written about shows features in all these connections which the civilized and Christian world must take objection to—whatever be the cause. Foreign missionaries have been murdered; Christian communities have been massacred; natives, whom long years of treaty intercourse had connected more or less closely with foreigners and foreign trade, have had their property destroyed wholesale; peaceable foreign residents have been treated as if they were the armies of a hostile Power, have been besieged and bombarded; foreign legations, sacred and inviolable in the eyes of international law, have been humiliated and cut off from all communication with their Governments and the outside world, have been subjected to weeks of

attack by volunteer, soldier, and incendiary, and have lost many of their members from Minister Plenipotentiary down to Student Interpreter; foreign buildings and their contents, Legations, private establishments, churches, etc., have been wantonly destroyed by fire, etc., etc., etc. For all these reparation must be made and compensation obtained, and their recurrence, as far as practical foresight permits, prevented: but these questions bristle with difficulties, and it remains to be seen whether they will be treated in a drastic and thorough-going fashion or pushed out of sight and smoothed over. Some think that if the dynasty is permitted to continue to exist, such of the leading personages of the Imperial family as were more closely connected with all that was most objectionable in these lawless and anti-foreign doings ought personally to suffer, and that partly to meet certain native—that is Chinese, not Manchoo—wishes, and also save Legations from ever again being thus isolated and thus insulted, the capital of the future ought to be Nanking and not Peking. The old proverb says "too many cooks spoil the broth:" let us hope that the settlement of this momentous international question will not suffer from the number of Powers that must have a say in it or from the number of considerations negotiators must face!

What has happened has been the logical effect of previous doings. Europe has not been ungenerous in her treatment of China, but, even so, has wounded her: a more tactful, reasonable, and consistent course might possibly have produced better results, but in no case could foreigners expect to maintain for ever their extra-territorialized status and the various commercial stipulations China had conceded to force. As to the future, it must be confessed that Chinese, so far, have not shone as soldiers: but there are brave men among them and their number will increase; if the China of to-day did not hesitate on the 19th June to throw down the glove to a dozen Treaty Powers, is the China of a hundred years hence less likely to do so? Of course common sense may keep China from initiating an aggressive policy and from going to extremes; but foreign dictation must some day cease and foreigners some day go, and the episode now called attention to is to-day's hint to the future. Meanwhile the once crowded Peking is a desert, and the first few days of foreign occupation have seen much that need not have occurred and will certainly be regretted.

PEKING, *August*, 1900.

II

CHINA AND HER FOREIGN TRADE

Many regard China as a far-distant land, with an immense population, but so wanting in all that others possess as to be ready to purchase, in unlimited quantities, whatever is offered for sale; whereas, what is true is this: China needs neither import nor export, and can do without foreign intercourse. A fertile soil, producing every kind of food, a climate which favours every variety of fruit, and a population which for tens of centuries has put agriculture, the productive industry which feeds and clothes, above all other occupations—China has all this and more; and foreign traders can only hope to dispose of their merchandise there in proportion to the new tastes they introduce, the new wants they create, and the care they take to supply what the demand really means.

The sanguine expectations which were expressed when treaties first regulated intercourse, a cycle back, have never been realized. Trade, it is true, has grown, and the revenue derived from it has multiplied; but as yet it

is far, far from what our predecessors looked for; and the reason is not that the Chinese Government actively opposed foreign commerce, but that the Chinese people did not require it. Chinese have the best food in the world, rice; the best drink, tea; and the best clothing, cotton, silk, and fur. Possessing these staples, and their innumerable native adjuncts, they do not need to buy a penny's worth elsewhere; while their Empire is in itself so great, and they themselves so numerous, that sales to each other make up an enormous and sufficient trade, and export to foreign countries is unnecessary. This explains why sixty years of treaty trade have failed to reach the point the first treaty framers prophesied for it.

Nevertheless, trade has grown, has gone on growing, and will continue to grow. Production has mostly a surplus to dispose of—exchange of products does modify tastes and create wants—and the profits of various transactions encourage traders to try new ventures and extend operations. Thus, an important and increasing international commerce has been founded and fostered, and the business done last year (1899) showed such a marked increase in quantities, values, and duties, that every one was looking forward to future expansion as a certainty, on a large scale. The first quarter of the present year (1900) exhibited further growth, and the

revenue was some twenty-five per cent. better than that of the corresponding quarter in 1899. Unfortunately, the Boxer movement stepped in to upset calculations; and, although local trade has continued south of the Yangtsze River, the northern ports have done little or nothing since June, and may be long in regaining the promising condition they had attained previously. Whether the present disturbances will run through all the Provinces, and be followed by years of anarchy and more or less complete cessation of trade, or the northern half of the Empire alone is to suffer, cannot to-day be foreseen; but in the north great harm has already been done, and recovery will be slow. Besides, the Manchurian Provinces may cease to be Chinese, and the commerce and wonderful growth of New-chwang during the last two or three years, and its promise of future expansion, may not only cease but disappear—at all events, as far as China and old channels are concerned.

Foreign trade is, in fact, at the close of an old chapter and is commencing a new one, and a serious question here meets the looker-on. Will possible changes for the better on the foreign side make up for probable changes for the worse on the native? Will any improvement in treaties, in mercantile methods, and in commercial regulations make up for loss of customers and for decrease in the producing

and consuming power of the Chinese? That this year's doings will long affect trade prejudicially may be taken for granted; and that the evil effects may continue to work harmfully for years to come is almost as certain. The whole matter bristles with difficulties when fairly, fully, and calmly considered, and the Far Eastern trouble will be felt in many a quarter that does not yet realize how intimately economic conditions connect man and man. The siege of the Peking Legations will long be laid to China's charge as a monstrous crime, even although it was preceded by the seizure of the Taku forts without any declaration of war; but, whether the joint action of the treaty Powers may not do more than vindicate the majesty of international law—may not, in fact, kill commerce—can only be known when negotiations are allowed to be begun, and the ensuing stipulations have laid down the lines for future intercourse.

Chinese may be said to be born traders; but they did not originally require to go outside the bounds of their own ring-fence to engage in business. The outlying parts and dependencies need not be referred to, seeing that the eighteen Provinces of China proper—each of them as large as and many of them more populous than most European states—afford room enough for every kind of operation and

transaction. Government taxation has always and everywhere been of the lightest possible kind, and what are called "squeezes" have been either legitimate collections other than the dues and duties foreign trade tariffs published, or such variable amounts as traders have compounded for between their own offer and the sum the collector would consent to accept below the rate fixed by the tariff concerned. Very wealthy individuals have, from time to time, been called on for special and occasionally large contributions during periods of provincial or national difficulty. But, on the whole, trade has not been charged beyond what it could afford to pay. When a tax looks like becoming too heavy, traders simply close their establishments as a protest, and the local officials soon remedy the matter; and it is curious to see how, in this weakest and yet toughest of Empires, age and experience have worked out what may be styled automatic action to keep the huge machine in order. It must be remembered that each Province is a little kingdom in itself, and has its own budget, while Government interferes as little as possible, and whatever the people can do for themselves the Government avoids doing for them. Our golden rule says, "*Do* unto others," and hence so much that is intolerant in philanthropy and fussy in benevolence; while the Chinese corresponding

dict says, "Do *not*," and the result is a national avoidance of interference and widespread tolerance, each side, of course, falling more or less into a pitfall when it does too much or too little. Trade has thus been free to follow requirement; demand and supply have obeyed their natural laws; hamlet has traded with hamlet, town with country, and province with province; the coast has been crowded with junks, the rivers and canals with boats, and the roads with carts, pack animals, and porters. And this has gone on in much the same way for thirty centuries.

When the foreigner appeared, changes began; and, although change has as yet only touched the fringe of the Empire, its effect has been felt in various ways inland. At first, the foreign merchant was in China on sufferance, and had to abide by local practice and accept local rule. Then came the opium and "Arrow" wars, and the reigns of the Emperors Tao Kwang and Heen Fang saw added to the original laws and tariffs of the Empire the tariffs and regulations of foreign trade, and the stipulations of treaties. To any foreigner who reads either treaty or tariff, there is not on the surface anything to object to, and nobody would pronounce either one or the other calculated to hurt or irritate; and yet the other side—the Chinese—has always been of another way of thinking. The most striking among the treaty clauses are those

which, under the heading "Extra-territoriality," withdraw foreigners from Chinese control and place them under their own national officials in China; and, under the heading of "The Most Favoured Nation," provide that whatever is accorded to new-comers will be enjoyed by their predecessors. The "Extra-territoriality" stipulation may have relieved the native official of some troublesome duties, but it has always been felt to be offensive and humiliating, and has ever a disintegrating effect, leading the people on one hand to despise their own Government and officials, and on the other to envy and dislike the foreigner withdrawn from native control. The "Most Favoured Nation" clause has always stood in the way of change, and prevented the Chinese Government from securing and conceding various ameliorations in exchange for special advantages, seeing that, although new negotiators might be willing to give a *quid pro quo*, their predecessors would claim the advantage but reject and refuse to be bound by the conditions. There is also a "Missionary" clause for the protection of missionaries and converts, but in this paper on Trade it need not be discussed.

The five per cent. tariff may be pronounced unobjectionable and suitable; but it is supplemented by a special rule which allows goods to be carried from or to a port to or from any

inland place, however distant, on payment of a transit due of two and one-half per cent. The foreigner wishes to read this rule as exempting his goods, if imports, from all subsequent, and if exports, from all anterior taxation; while the Chinese official maintains that it merely protects a transit between port and place. This is already a sufficient cause for disputes and ill-feeling; but the real hardship caused by this incomplete stipulation lies deeper. In the first place, it takes no account of the immense size of the Empire or the Provinces to be passed through, or of the fact that each Province is a little kingdom in itself, manages its own taxation and finances, and is caused serious embarrassment by a stipulation which neither recognizes its circumstances and requirements, nor was made a subject of provincial discussion and arrangement in advance. It is not quite an adequate reply to this complaint to say that the Central Government, having entered into an international engagement for the whole, ought to have thereon proceeded to rearrange the parts. In the second place, while the stipulation was only intended for application to foreign traders and foreign trade proper, it soon became the practice of unscrupulous persons, foreign and native, to take advantage of it—the latter to escape provincial taxation, and the former to create a new source of gain out of fees

received for passing Chinese property as belonging to foreigners.

It has thus come to pass that Chinese officials have felt themselves belittled and inconvenienced by treaty and tariff, and foreign trade and foreign intercourse have consequently never been regarded by them with a sympathetic eye. Some one once remarked to the great Wên Hsiang, Chinese Prime Minister, so to speak, during the minority of the Emperor Tung Chih, that surely the increasing revenue derived from foreign trade must make its growth agreeable to the Chinese Government. "Agreeable!" retorted Wên Hsiang. "Quite the contrary! Every sign of growth means another provincial difficulty; and, instead of delighting in the increase of foreign trade revenue, we would willingly tax ourselves equivalently and pay over the amount to foreigners to keep them out of the country!" Doubtless, there was some exaggeration in this; but it fairly expressed the real feeling of the official mind in this connection, and Wên Hsiang was one of the ablest, fairest, friendliest, and most intelligent Mandarins ever met by foreigners. Prince Kung, as is well known, said to the British Minister, about the same time, "Take away your opium and your missionaries, and you will be welcome!" During the negotiation of the never-ratified Alcock Convention in 1868, the same Wên Hsiang one

day said, "Do away with your Extra-territoriality clause, and merchant and missionary may settle anywhere and everywhere; but retain it, and we must do our best to confine you and our trouble to the treaty ports!"

These sayings of two of China's most eminent men have a weighty meaning. China's treaties are said, and may seem to the foreigners concerned, to have been negotiated. But, in point of fact, they were, in the first instance, drafted by the foreign negotiator, and if not dictated, were so hurriedly drawn up and concluded that they ignored, or rather did not take the trouble to ascertain, the provincial circumstances therewith connected. So that, fair and suitable as they may appear to the foreigner, they were and are, in some of their more important practical points, condemned by Chinese as both damaging and unworkable; and thus, although ratified and sanctioned by Imperial Decree, they have neither been popular nor an unqualified success. When later and perhaps less dictatorial negotiators subsequently came to China, begging for treaties, China acceded. But such new negotiations, on the Chinese side, did not aim at correcting former mistakes — except on one occasion, when the foreigner allowed a "Most Favoured Nation" clause to be so worded as to make enjoyment of an advantage entail acceptance of the conditions of its original

grant, and at the same time withdrew one or two other demands, when the Chinese negotiator said he would assent to them provided Chinese in the country concerned were similarly treated. They simply tried to keep out everything new; to give the new-comer only what some predecessors had previously extorted, and so to keep the evil of foreign intercourse at a point already understood, instead of injudiciously expanding it further. Thus initial obstacles have been perpetuated, and with the exception of the Alcock Convention no negotiation, to the Chinese mind, has held the balance fairly. The non-ratification of that convention was damaging, for it had been negotiated leisurely and in a sympathetic and friendly spirit, and Chinese officials regarded its rejection as equivalent to saying that their interests must always give way before what the foreigner thought to be his.

Later treaties, too, have had one other unwholesome effect. The foreign negotiator generally presented himself in a more or less beseeching attitude, and China assented—generously, as she thought—to his prayers for treaty relations. But ratifications once exchanged, what China had granted as treaty advantages forthwith became, in the hands of the other party, treaty "rights," and woe betide China if she failed to live up to her new duty! It

is, of course, not unnatural for those who have to administer a treaty already made to interpret it literally; but, all the same, Chinese officials have felt mortified and "sold," and treaty relations have sunk in their estimation. It is not altogether inexplicable, then, that foreign intercourse has been seen on its darker side by the Chinese, or that foreign trade has continued to be regarded as at the best only something to be tolerated but not encouraged. Both intercourse and trade would benefit China, but for the first to be welcome it must be sympathetic, and for the second to be encouraged it must be so shaped as not to pinch.

Apart from its being a thorn in the side of the provincial administrations, owing to various difficulties originating in transit abuses, the advent of the foreigner has also been a death-blow to old and long recognized vested interests, and notably to China's own shipping trade and junk owners. The coasting trade which fleets of junks carried on fifty years ago has almost been destroyed between New-chwang and the southern ports, and much of the southern trade has likewise passed from native to foreign bottoms; while on the Yangtsze, an inland water, an ever-increasing home trade is attracting more and more foreign-flag steamers. Such change is not all bad; freights are lighter, goods are safer, passages are quicker, insurance

is possible, and regularity has developed trade and increased passenger traffic. But the untravelled Chinese, who at first smarted under loss of business, has now travelled, and he asks, Does any other country in the world allow foreign flags to participate in its coasting trade? Does any other throw open its inland waters to outsiders, and those, too, outsiders who are not merely enjoying special commercial advantages, but are also by treaty extra-territorialized? So that such change is not all good. The native capitalist of former days is a beggar now, and the crowds of junkmen he employed are as angry with their Government for permitting the foreigner to step in and seize such local trade as with the foreigner himself for doing so.

In all such cases, the transition period is a bitter one. Many suffer, and much bad blood is engendered; but time, that wonderful restorative, brings its remedy, and much Chinese capital is now invested in steamers. The Chinaman is taking many a leaf from the foreign interloper, and the day will yet come when China's coast trade and river traffic will all be done by vessels under the Chinese flag. Doubtless, the same kind of experience, and the angry feeling with which any man sees another interfere and take the bread out of his mouth, have also had something to do with the

readiness with which railway lines have been destroyed and trains wrecked during the Boxer troubles, and perhaps, too, even with some of the difficulties foreign enterprise stumbles against inland. Whether the superior strength of even a more civilized nation can be legitimately employed to dictate, or even to obtain international concessions of a kind which, on the one hand, create difficulties for an internal administration, and, on the other, displace native methods and substitute foreign enterprise, need not be discussed. But it is an unquestionable fact that native populations will always feel sore when ousted from business by privileged foreigners, and that in China grants of advantages which are made at the expense of and without consideration for or the consent of the nation's component parts—the Provinces—will cause ill-will and end in failure.

A notable instance of this latter kind is the concession which opened all inland waters recently to steam navigation. Not only were the Provinces neither consulted nor taken into consideration, but the concession became known to the public, and was even formulated, before negotiation had had its final say in the matter. The Chinese ministers were proceeding on the assumption that the waters would be opened to steam in accordance with either existing native craft rules or new regulations yet to be drawn

up; and it was so far a conditional concession. But, unfortunately, the first form it appeared under in public was absolute, and the inland waters were spoken of as if opened to steam without regulations! The result has been what might be expected. The experiment is a failure in the eyes of the world, precisely to the extent to which it has been attempted to subordinate it to necessary rule, and bend it to meet existing local conditions; and it has irritated everybody—native merchant and foreign merchant, foreign official and native official. Some will question the wisdom of accepting such a concession at all—a concession proposing to open inland waters to foreign vessels, considering the difficulties and disputes it must inevitably give rise to in connection with both its trading and its magisterial sides; for occurrences will assuredly furnish inland cases of many kinds for foreign courts to deal with, while inland trading competition, however much it may tend eventually to improve inland trading methods, must certainly disturb inland traffic and hurt inland traders. But, in any case, such a concession ought to be well threshed out, so as to secure the maximum of benefit with a minimum of damage; and not only ought each Province to be separately consulted and separately legislated for, but regulations ought to be adopted of a kind that shall accord with provincial

circumstances and requirements, and prevent the concession from being so used as to create internal difficulties, or be injurious to the interests of the native inland traders. The original idea was simply to allow steamers to do in inland waters what junks do. But, while it is a question whether steam traffic could thrive or pay under junk regulations, it is also worth consideration whether they should be not only extra-territorialized inland, but also be so privileged as to hurt native interests and oust boat-owners and native traders.

What foreign merchants can to-day do in China may, without going into details, or loading this paper with statistics, be thus described: They may import foreign goods into China, and export native products from China, through any one of some thirty treaty ports, on payment of a tariff duty amounting to what was five per cent. on the values of 1860; and they may take foreign goods to, and bring native products from, any place inland, on payment of an additional half tariff duty, as Transit Due. They may also convey Chinese produce from treaty port to treaty port, paying a full export duty on shipment and a half duty on landing. At the treaty ports where they reside, they are freed from all local taxation, and they may bring in whatever they require for their own personal and household use, duty

free. Everywhere they are withdrawn from Chinese control, and placed under that of their own national officials, the consuls; but merchandise can be moved only in accordance with Chinese customs regulations, and ships must anchor in accordance with harbour rules and the directions of the Chinese harbour-masters. Merchants may trade with and employ whatever persons they please, and their movements are free and unrestricted. Such, in a few words, is the foreign merchant's position in China. Treaty-makers secured for him all he asked for, and the Chinese Government assented to it. It is not desirable that he should live everywhere, seeing that he is withdrawn from Chinese jurisdiction; but in the case of missionaries, this prohibition is not enforced, although the right is open to question, as being found only in the Chinese text, and not in the corresponding foreign text of a treaty which says that the foreign text rules wherever opinion differs as to interpretation. The merchant's transit rights, which practically open to him or his agent every market in the interior, have the drawbacks already alluded to—drawbacks which originated in either ignorance of or inattention to local requirements, in defective legislation and in abuse of the treaty privilege. Otherwise, the foreign merchant's status and freedom leave nothing to be desired, except from the Chinese

point of view, which thinks them too privileged. As to the merchandise he may deal in, the only article a foreigner may not touch is salt; and he must take out special permits and comply with special conditions if he trades in munitions of war; and he does trade in them, and finds it profitable; and he is not allowed to export native rice from China. He is thus free to import whatever he thinks he can find a market for, except salt, and to export whatever he can find in the country for sale except rice. Weekly mails carry his correspondence to all parts of the globe, telegraph lines connect him with Chinese places inland, and cables with the rest of the world; local banks supply all banking facilities; post-offices compete for the honour and profit of carrying his mails; newspapers are at hand to ventilate questions of all kinds and advertise his wares and ships; schools are springing up for the education of the children that cannot be sent home, and there are churches and chapels for all denominations of worshippers, lawyers and courts for all sorts of litigation, and doctors and hospitals for all who are ailing. He has his own docks for repairing and building ships, mills for weaving cloth, and manufactories of various kinds. He has also lately been building railroads, and syndicates have been formed to build more, as well as to work mines and start other industries in the

interior. The Boxer doings have, however, interfered with these later developments, and have led thinking people to wonder whether the exploitation of China inland is the safest of paying investments for capital.

Such being the condition and methods of Chinese commerce at this date, as far as foreign trade is concerned, all who are interested in it will naturally ask what can be done to extend and expand it in the future, and make it at once more profitable to foreigners and more acceptable to natives, whether traders or officials. This task was being taken in hand when the Boxer movement was growing; but although not abandoned, it is postponed, one might almost say, indefinitely. In the autumn of 1899 a special commission was appointed by Edict to consider the subject of tariff revision and questions therewith connected, and its members hoped to make it the commencement of a new era of profitable and acceptable commercial relations. These were Sheng Hsuen Huai (a titular metropolitan official, who is Director-General of Telegraphs and Railroads, and Manager of the China Merchants' Steam Navigation Company), Nieh Chi Kuei (Provincial Treasurer and Acting Official of the Province of Kiang-su), and Sir Robert Hart (Inspector-General of Customs and Posts). After several meetings they separated in May last, to resume

their sittings again in October. But the Boxers reached Peking a few days afterwards, and governmental chaos has upset all plans. The commission would probably have elaborated various proposals for the consideration of the Chinese Government and the treaty powers in the interest of trade. Meantime, it may not be without its advantages to put forward some of the views then discussed, and some of the points which the experience of the past shows to be worth reconsideration.

The Extra-territoriality and Most Favoured Nation clauses will, of course, be retained, whether old treaties are revived or new ones negotiated after the present disorder ends. But to the latter it would be fair, and in the general interest, too, to add a rider to the effect that whatever power claims to participate in any advantage newly accorded to another power by China will, on the other hand, accept and be bound by the conditions on which such advantages are granted.

The Tariff requires revision, for since 1860 all values have altered, and many new commodities have appeared. Whether it is to remain a five per cent. tariff or be made ten per cent. is a point for negotiators to deal with. The commission consulted the provincial officials in this connection, and purposed to propose a ten per cent. import duty, plus a five per cent.

transit due, payable simultaneously, coupled with the total abolition of all other taxes on such imports for ever after and everywhere, and the Government was to arrange for the equitable division of the amount so realized between the central and the provincial treasuries. As for exports, it was under consideration to retain the five per cent. rate, but do away with the right to bring produce from the interior under transit passes, coupled with an undertaking to refund to the exporter, at the time of export to a foreign country, whatever amounts he had paid on such produce over and above a half tariff rate between the place of purchase and the port of export. Some such arrangement would satisfy the provincial officials, would efface hostility to the spread of foreign trade, and would also at once do away with the malpractices and abuses connected with the present unpopular transit system.

The most important point of all, however, is that which is connected with negotiation. Negotiation concerning commercial matters ought not to be in any degree of the nature of dictation, and it ought to proceed slowly and cautiously, and not only with a perfect knowledge of facts and circumstances, but with a full and friendly consideration for the other party's views and necessities; and in no country is this more necessary than in China, an Empire

composed of a score of grand Provinces, each a kingdom in itself, with its own budget and its own system of taxation. What is good and suitable elsewhere is not necessarily so in China, and a negotiator there, to do any matter justice and formulate a workable and useful rule, must put himself in the other's place, and see with the other's eyes. Such procedure, in addition to being what justice and common sense demand, would have the additional recommendation and advantage of winning the native negotiator's sympathy, and enlisting the Chinese Government's support, and so would secure honest effect for the rules agreed on.

But let negotiators be as painstaking as you please, they and their Government only lay the rails, so to speak, and the merchant himself must provide the trains and find the passengers. Individual study, individual exertion, individual tact and initiative are the necessary conditions of success in any individual commercial career, and in the thence growing general expansion of commerce. Governments do the best they can, according to their lights and requirements, to provide openings and afford protection; but the real work of founding a house, building up a business, extending connections and making it pay, must be done by the merchant himself. Whoever looks Chinawards must also remember that the country has its own civilization, and

has been perfectly settled for tens of centuries; that it has an immense trade of its own, by the side of which foreign commerce is so far a mere bagatelle; that although foreign commerce is growing and will go on growing, the tendency is for it to pass more and more into Chinese hands in China (as I write a case of California claret has just been brought in, which, the label tells me, was imported and bottled by a Chinese storekeeper in Shanghai); that competition is great, and individual profits small; that taste for novelty is to be cultivated, wants created and customers' wishes consulted; and that, although with a population of four hundred millions there would seem to be no bounds to the possible demand of consumers, the Chinese are quite able to dispense with foreign commerce and supply all they require for their own consumption.

As for those who wish to improve communications, build railroads, open mines, and start various industries, they too should remember that their eagerness to supply does not necessarily mean a corresponding demand, and that whatever they do take in hand can only be a success provided native sentiment and prejudices are studied and shown consideration for. The syndicates which handle concessions owe it to their shareholders to see that their title is not only legally indisputable, but locally acceptable;

otherwise, failure must be, and dividends need not be, looked for. The motto of the Chinese trader is to live and let live, and his trading strength lies mainly in combination, an inherited science of business organization, safe for its members and not harmful to their clients; and he is quite a match for the foreigner whose aim is to cut the ground from under his neighbour's feet, and whose commercial gospel is that competition is the life of trade.

PEKING, *September*, 1900.

III

CHINA AND RECONSTRUCTION

The Legations have been relieved and the siege is over; the frightened Court has deserted the capital and is fleeing further inland—is China to be partitioned, or is a new dynasty to be placed on the throne, or are the Manchoos to continue in power? Has anybody a policy, or are all still waiting on events?

So far the Chinese have fought nowhere successfully; they did not even take the Legations, but still they have shown the world that they appreciate and are acquiring the best weapons; they are evidently learning the use of both rifle and gun; they are improving their military method, and the idea of strategy, though still in embryo, is taking shape and hardening; and they are henceforth more likely to go on developing might, for want is a teacher, than return to their old and time-honoured belief in reasonable action and right. Their midsummer madness is spending itself, and they are learning something from the views

and doings of the nations they defied: can the new growth be trained on such a trellis-work as to secure fair play and produce healthy fruit, or will it only end in the stunted product of the Chinese gardener?

From Taku to Peking the foreigner has marched triumphantly; there have only been a few fights and every foot of ground has not had to be contested, but yet every hamlet, or village, or town along the way has the mark of the avenger on it: populations have disappeared, houses and buildings have been burned and destroyed, and crops are rotting all over the country in the absence of reapers. Remembering how these places teemed with happy, contented, industrious people last spring, it is hard to realize that autumn does not find them there—they have all vanished, and that along the hundred and twenty miles between beach and capital scarcely a sign of life is to be seen, and one cannot help sorrowing over the necessity or the fatality which brought about such woe and desolation. Much of the destruction was doubtless the work of Chinese soldiers and Boxer volunteers, but, according to all accounts, what they left we gleaned, and, if report speaks true, little mercy was felt, and less displayed, by some at least wherever living Chinese of any age or either sex happened to be fallen in with. The days of Taepingdom,

when native warred with native, showed nothing worse, and the warriors of this new century can be as brutal, with all their wonderful discipline and up-to-date weapons, as were ever the savages of earlier times with tomahawk, boomerang, or assegai, and the puzzle is to explain why it should have been so, or forecast the consequences in the future—will brand and sword have produced that wholesome fear which must blossom into peace and goodwill, or only a gruesome terror to be replaced by nothing but hate and a lust for vengeance?

The Peking foreign community were fortunately saved from massacre, and the weird accounts of their sufferings and the modes of their individual deaths were happily the offspring of fancy and not recitals of fact; but, all the same, if the gallant D'Arcy and his little band of French heroes had not inch by inch and hour after hour during those eight hopeless weeks contested the ground and held on to the western third of their Legation to the very last—if the resourceful Sheba and his cheery handful of Japanese had failed to retain possession of the Soo Wang's palace and garden—if the Germans, Americans, and Russians had been driven from their own into the British Legation—if the allied forces had arrived on the fifteenth and not on the fourteenth, not one of the refugees would have escaped to tell the story of the

catastrophe, and worse endings than imagination pictured might have been theirs. That the siege was acquiesced in by the Chinese Government can scarcely be questioned; but they thought it was fair war they were waging and not murder they were committing, and from the fact that firing ceased occasionally — perhaps only to play with the besieged as cats do with mice—it also seems certain that the Government could have put an end to it completely at any moment if it so desired; and, such being the case, it must be allowed the relief force was right to strain every nerve—right to strike terror along the route, while pressing forward to the rescue, nor is it unnatural to expect that fitting punishment would be meted out, once arrived, alike to officials who more or less took active part in the lawless proceeding and to a population that moved not a finger to prevent it. And yet looking back on it all, and granting that fires and plunderings in the capital were mainly the work of soldiers and Boxers, it does seem a pity that the splendid warriors of Christian powers should have made things worse: could not discipline and fine feeling have put an earlier check on the men and placed revenge on a higher plane? What with commandeering here, looting there, carrying off of souvenirs elsewhere, and brutal assaults on the poor women who had not been able to leave the city

with the other fugitives, private property in temporarily deserted houses disappeared, and the comparatively small number of Chinese who remained drank to the dregs the cup of a new misery. The haste with which expeditionary forces had been assembled, the difficulties of transport and provisioning, and the cessation of all local trading, must of course be regarded as excuses for the licence with which men of all classes were laid hold of to work, and edibles of all kinds taken possession of wherever found; but all this seemed to argue a want or neglect of organization that surprised, and suggested how easily a retrogression to barbarism might spring up like a weed among the flowers of civilization. Strangely enough, the quarter of the city governed by the Japanese was speedily seen to be the best administered: more lucky than others in knowing beforehand in what government buildings and public establishments official moneys were deposited, it may be a fact that they secured more sycee than all the others put together, but they kept their hands off the people, and their discipline, regulations, and method were such that they—new to the humane civilization of which the others were the creators and children—very soon inspired confidence, re-established order, re-opened markets, and made life liveable, while some of their colleagues allowed a state of affairs to spring

up and continue which was quite the reverse: why this superiority on the one side and this inferiority — even if only temporary — on the other? The men of one flag showed their detestation of the most ancient of civilizations by the wanton destruction of whatever they could not carry off; those of another preached the gospel of cleanliness by shooting down anybody who committed a nuisance in public; while those of a third spread their ideas on the sanctity of family life by breaking into private houses and ravishing the women and girls they found there: so said gossip. Captured cities must suffer and the populations of wrong-doing cities must pay the penalty of wrong-doing, but there are ways and ways of exacting reparation and teaching lessons for the future—was this the best? Perhaps—and, it may be, not unnaturally —the conquering army may have regarded a conquered and almost deserted city as already formally confiscated and consequently legally delivered over to pillage, and their fellow-countrymen, who had been burnt out and lost all but what they stood in, may have been thought to have suffered enough to justify any reprisals; but, even so, the demoralizing effect always and everywhere produced on all classes by wholesale looting and its accompanying licence might have seemed a sufficient reason in itself for discountenancing and stopping it

and its attendant evils at the outset: such, however, can hardly be said to have been the case, and even some missionaries took such a leading part in "spoiling the Egyptians" for the greater glory of God that a bystander was heard to say, "For a century to come Chinese converts will consider looting and vengeance Christian virtues!"

Crowded together in a confined and limited space during the hot summer season, and constantly exposed to the deadly risk of whistling bullet and screeching shell, the refugees in the British Legation were sufficiently well fed, and enjoyed sufficiently good health during the eight weeks the siege lasted, to astonish their deliverers by their still excellent condition when first seen on the 14th August; but the uncertainty of what any hour might bring forth—and more especially the certainly horrible fate from which no efforts of theirs could for ever save the women and children, and the feeling that friends at home were in imagination suffering a thousandfold more than themselves—was the chief and ever-present element in their trial, so that, when once delivered, the strain most had thus gone through, and the hard work and exposure involved in the duties undertaken alongside the Legation guard by the younger men, began to show their effects in breakdowns that told of shattered health and need of change.

As for the relieving troops, once the excitement of arrival had passed over, they began to wonder what they had come or what they stayed to do, and this quietude after the exertions of the previous weeks in turn became hard to bear. Meantime commanding officers took up various positions in the city, and the sentries of the various flags kept watch in their respective sections; on the other hand, Ministers, long debarred from communication with the outer world, despatched their detailed reports and awaited the instructions of their Governments. Nobody seemed to know what the next move was to be, or how the weighty questions involved were to be settled. There was no one to treat with—Emperor and Court had fled—and had there been any such, what language ought negotiation to hold?

On the Chinese side, however, the situation and its difficulties gradually induced a few leading men who had remained behind to venture forth from their seclusion: these were the Grand Secretary Kun Chung-Tang, Ching-Hsin the President of the Board of War, and two Vice-Presidents of other Boards Yu-Teh and A-Ko-Tan, and on Sir Robert Hart's suggestion they proceeded to search for, find, communicate with, and bring back Prince Ching, one of the Imperial family who for fifteen years or so had been the head of the Chinese Foreign Office, and who

had been credited with more or less friendly intentions during the siege and with a sort of intervention which had possibly delayed and so prevented massacre. Early in September the Prince reappeared in Peking, but, as the previously formally appointed negotiator Li Hung Chang had to be waited for, nothing could be done towards opening negotiations beyond paying a short and friendly visit to each of the foreign representatives. What must have been his feelings, poor Prince, as his sedan-bearers carried him through the well-known but now deserted and scarcely recognizable streets, while his Japanese guard marched alongside, and the sentries of Italy, Russia, France, Germany, America, England, and Austria stared at him as he passed! Some points, however, were submitted for the consideration of the generals as really requiring immediate attention, such as the better policing of the various sections, the repression of pillage, and the procuring of provisions, etc., but not with any immediate or perceptible result. Such high officials belonging to the Metropolitan Boards as had not fled with the Court were in constant consultation with the Prince, endeavouring to find some way of escape from the chaotic condition into which the capital had been plunged when the foreign troops entered and its Emperor abandoned it: they knew, although it was difficult to realize,

that Peking was no longer under Chinese control, and that Chinese officials could not claim authority or exercise any jurisdiction in it, but they also knew its condition, and, anxious for the welfare of such of the population as remained, and for the future of the Empire, they, with the Prince and in the interest of the people, besought immediate consideration for police and food requirements, and they were unceasing in their effort to devise some means to effect a settlement of the unhappy complication as speedily as possible. None of them, however, realized how grievously they had offended the rest of the world by the murders of missionaries and converts and by the attacks on the Legations, and just as little did they realize to what an extent such insane proceedings had imperilled both Empire and Dynasty. Chinese history does not date from yesterday, and their thirty or forty centuries of national and racial continuity have seen them fall into—and have also seen them emerge from—quite as serious predicaments, but, even so, while they took things philosophically, their tempers unruffled, their politeness unfailing, and their patience inexhaustible, they did feel the sting of the situation, and they did make an earnest and honest attempt to find a way to alleviate the sufferings of their fellow-citizens. The result, however, never did amount to much, and was slow in coming, and in fact

these representative men were rather misunderstood than taken seriously: under the circumstances what right had any Chinaman to complain, and was it not even insolence to take advantage of former official position to pose now as the people's mouthpiece?

The situation from the very first was one continuous illustration of the initial difficulties which reconstruction must encounter: neither side could place itself in the other's position, and the half truth which is all that being reasonable from one's own point of view amounts to, does not necessarily dovetail with what another puts faith in from another standpoint. How will China and non-China ever come to a satisfactory agreement unless they attain first of all to a mutual understanding of each other? China is for the moment in the angry grip of the foe, and that grip must be exchanged for the hearty grasp of a friend before external relations can again run in peaceful channels and internal affairs resume their ordinary character: the inter-dependence of the external and the internal must be recognized and allowed for if there is to be such a process of reconstruction as shall safeguard the future, and thus the task of the foreign negotiator and the native statesman becomes one of that kind of which it is hard to say which is the more serious, the responsibility or the difficulty. But, one way

or another, a solution will be found and the question closed.

On the Chinese side there is such uncertainty, rather than ignorance, concerning the aims and demands of the foreign powers, collectively and individually, that even those who are in favour of intercourse are unable to decide whether peace might not prove more costly than war; and on the foreign side the feeling that while certain magnates are culprits and ought to be punished, to demand their punishment may not only fail to obtain it, but may widen the area of trouble, and, indefinitely postponing peace, lead to anarchy and chaos, and the further idea that a claim for even just but perhaps too heavy indemnities may necessitate territorial guarantees likely to conflict with their declared policy of the "open door" and "integrity of China," combine to delay negotiations and even threaten to emasculate such drastic stipulations as the occasion demands. The preservation of China's integrity has been the subject of official declarations and, with certain reservations, official agreements, but the temptation of owning some of China's provinces and adding to the number of their subjects such desirable material as China's population undoubtedly comprises, may lead to delays, and increase the difficulties of final settlement not only for China, but for the powers concerned.

Should the foreign decision be for partition, the Chinese negotiator would find small standing room—he would be expected simply to submit to dictation; should that decision fall short of partition and merely require some additions to tracts of territory already leased or ceded, it would still be a bitter pill to swallow for both the transferring negotiator and the transferred people; and even if partition is not thought of or additions to territory demanded, the difficulty of finding funds to pay off a too heavy indemnity may place the Chinese negotiator himself in the unenviable position of having to offend all China and embarrass every treaty power by offering territory instead of money, and thus whatever way one turns it does not seem easy to prevent a deadlock, and until a way round is found order cannot be restored.

Many have talked and written glibly about partition as the most expedient solution, and have argued that because Chinese are supposed to be easily ruled and wanting in the military character, such a policy would not only meet with no opposition, but would be welcomed by the Chinese themselves as freeing them from the misrule of a hated and alien government, and as opening the way for them to liberty, progress, and civilization. But it is not so—this alien government, the Manchoo dynasty, has been part and parcel of the nation for three hundred years,

and the Emperor is no more hated by Chinese than the Queen by British, while, as for the blessings of liberty, progress, and civilization, the only civilization the Chinese appreciate is their own: what we call progress the majority know little about and care less for, and liberty, real tangible liberty, they all enjoy. Whether it is the duty of the West to civilize the East, and how Christian powers ought to deal with Pagan, are of course questions on which views differ, but whatever portion of China is ceded will have to be ruled by force, and the larger the territory so ceded the more soldiers will its management require and the more certain will be unrest and insurrection. The whole of a partitioned China will make common cause against its several foreign rulers, and, if anarchy be not its condition for years and from year to year, quiet or the appearance of quiet will be nothing more than a preparation for the inevitable spring with which sooner or later sudden revolt will everywhere show the existence and strength of national feeling. Is the game worth the candle? On the simple ground of expediency such a solution is to be condemned, while, viewed as a question of right, fairness, or even philanthropy, every non-prejudiced mind must declare against it.

Another set of thinkers are under the delusion that with the capture of Peking the Chinese

Government ceased to exist, and that it is the duty of the victors to set up a new dynasty. All that has happened, however, is this: the Government has no longer its headquarters in Peking, but the work of the Empire is going on as usual—where the Emperor is, there is the seat of Government, and, as for the teaching or terrorizing effect that the march of the Allies has had, it has merely affected the borders of a road through two or three of the two hundred or more Prefectures which make up the Eighteen Provinces, and the prevalent belief at a distance is that the foreigners have been thrashed and are not victorious. The Manchoos, by complicity with recent lawlessness in the capital and murders of missionaries and converts in the provinces, have outraged the Christian and civilized world, but, even so, it would be well to hear and weigh what they have to say for themselves; in any case the punishment they have so far received has probably enlisted Chinese sympathy on their side rather than added to their unpopularity, if that really exists, with any considerable section—the King can do no wrong, and it is the bad advisers who are blamed. Were the Allies to get over the initial difficulty of agreeing to a choice and set up a new Emperor, he would have to be supported by foreign bayonets—his mandate would only run within very restricted limits—his foreign

origin would make him despised by every member of the black-haired race—and himself and belongings would disappear for ever the moment foreign support left him. If anything, the attempt to impose another dynasty on the Chinese people would be even a more hopeless solution than partition; the advocates of both plans have probably much to urge which they consider conclusive in favour of the idea they put forward, but let them try either, and time will assuredly show how certainly their hopes must meet with disappointment in the futility and failure of the experiment.

The only practical solution, in the interest of law and order and a speedy restoration of the tranquillity that makes life and commercial relations safe and profitable, is first of all to leave the present dynasty where it is and as it is, and let the people of China deal with it themselves when they feel its mandate has expired, and in the second place to impose on it as the condition of peace only such stipulations as are at once practical and practicable as well as just and justifiable. But even in adopting this solution a most serious difficulty stares one in the face—the Court has fled inland, and it is quite possible it may settle at Si-an-foo and make that the capital. Such a decision would not be pleasant for the diplomatic corps after the siege experiences just ended, and, although

commercial dealings need not necessarily be hampered thereby, a certain uncomfortable feeling of unrest would probably be set up and, ever after, external irritation and internal disintegration would be seen proceeding on parallel lines, if not, at equal pace, on lines converging in eventual catastrophe. What, therefore, foreign interests most require now is the return of the Court, and the negotiators would do well to make that not only possible for the Emperor, but both agreeable and safe. Pending that return, a clear idea could be worked out and agreed to of what foreign powers must demand and China must consent to both as reparation for the past and guarantee for the future. Further, as a first step towards local reconstruction, by which is meant, not so much a re-establishment of the old order of things, as such a happy rearrangement as should dovetail what is good and allowable in the old system with whatever else must be accepted as necessary and not rejected because new, Prince Ching might be vested with a certain amount of vice-imperial authority, so to speak, and thus provide a rallying-point, not for opposition to foreigners, but for the common efforts of those who desire to re-establish order and win back prosperity in the capital and its vicinity. Pecheli excepted, the rest of the eighteen provinces of China proper, although more or less in a state

of ferment owing to the occurrences in the metropolitan section, may be said to be in their normal condition as regards the presence and functions of the ordinary provincial officials and their subordination to the Emperor and Central Government. There is therefore every reason for holding that continued recognition of the Manchoo dynasty and support of the Emperor Kwang Hsu is all that is necessary to provide a starting-point for the reconstruction demanded by this last summer's doings: no other programme can be carried through so easily, and no other plan will restore order so surely and so quickly, and in fact the pronouncements of the powers already point to that as the solution they cannot escape from. In this work of reconstruction there are two stages—what must be done to make peace, and what must be done to give effect to its stipulations: the first means negotiation and the second action. Negotiation will secure an admission of wrong-doing and an assurance that it will not recur,—a promise to make good the losses of individuals and recoup the expenditure of Governments,—an undertaking to punish various culprits designated by the powers,—and the initiation of measures to guarantee the future; action will put these promises in force and proceed to their full execution.

The advocates of the alternatives, partition

or change of dynasty, argue that they are calculated to confer greater benefits on the Chinese themselves, as well as be more useful to foreigners, than past experience authorizes us to expect from the continuance of Manchoo rule. Granting that such advantages as they hope for might possibly follow a successful trial of either plan, there is no reason why negotiators should not make the provisions for such reforms an integral part of any settlement and introduce special clauses for their adoption; but, at the same time, common sense, and not sentiment, should scan them carefully, and precaution should be taken to proceed wisely and reasonably, lest haste, unfitness, or other imperfection should mar their effect and lead to disappointment and irritation. It is a fact and beyond question that Western methods are not always suitable for, or successful in, China, and a closer study of locality and people is everywhere advisable before the old is banished and the new rung in: the same soil will not grow all crops, and what is possible or beneficial in one locality need not necessarily be so in another. That the present situation does afford an opening for introducing new measures cannot be doubted, and those who decide for the retention of the Manchoos ought all the more to feel the responsibility of the occasion, and neglect nothing that experience teaches or foresight suggests;

the example of Japan shows what may be done when a whole people is galvanized into a new life by the power of a new thought and a new motive, but where such a force from within is wanting, it is advisable to wait a natural evolution rather than by forcing processes bring a new being to the birth before the period of gestation has been completed. Is the all but dormant military spirit of four hundred millions to be aroused in order that dealers may find markets for rifles and guns, or ought the idea of the possibility of those millions misusing such toys be invoked to stop mischief in the future at the cost of present gain? Which is the safer guide on so serious an occasion, the speculation that risks or the wisdom that restrains, profit or prudence? And so in other matters: it is not enough to be sanguine, and reformers ought to study the ground well and look at both sides if they wish to avoid calamity and secure blessing. Negotiation itself cannot guarantee everything: it may procure a formal expression of regret and a promise that the offence shall not be repeated—and both regret and promise may be both honourable and honest; but the future will see new men and new circumstances, and history may repeat itself. The indemnities to be paid take us into the region of hard fact, and yet it is just here that there is room for a little sentiment: the Japanese indemnities

already constitute a galling load, and now that eight or ten powers have claims to put forward, the straw that kills begins to be a something to be dreaded. Discussion will probably evolve some happy idea calculated to give ample security to those who are to be indemnified and yet consult the convenience of the indemnifier; but, however that may be, it will be a heavy burden for China to carry, and it is to be hoped that the powers will make it as light as possible, and deal with the unfortunate debtor in a sympathetic and accommodating spirit, remembering, too, that it is the industry of the people which will be taxed, and that commercial prosperity in the future might be a better payment of such a debt than an intolerable fine and ready money at the present moment. If the terms exacted are too hard, the payment may plunge all concerned into the difficulty of a territorial guarantee, about which the only good thing one can say is that the region so pledged might possibly prove a suitable field for the experiments of reformers, and that, if successful, such experiments might go on thence to leaven the whole lump, although it is more than likely that with liberty regained all such novelties, as imposed by the enemy, would be forthwith discarded.

There is, however, another demand which must be met and dealt with before foreigners

can consider the siege episode closed, and that is the demand for the punishment of the instigators of the summer's doings. From certain standpoints no demand could be more just in the eyes of the outside world, and some of the culprits named—for instance, the late Governor of Shansi, Yu Hsien, who opened his Yamên to the hunted missionaries at Tai-yuan-foo and then had them massacred there by the Boxers, and who gloried in the deed in his memorial to the Throne—could not be punished too harshly; but the list ought to be carefully examined and proper allowance ought to be made for every extenuating consideration, lest murdered men should stand forth in future history as martyrs, a stain on the robe of Justice and the seed of enmity ever after. At the moment of writing, this demand for punishment before negotiation rather stops the way: the Court is far off, and the culprits are not only with, but dominate the Emperor. It may be said that inability to punish is as strong a proof of unfitness to reign as unwillingness; but here as elsewhere circumstances alter cases, and, although all are demanding condign punishment sooner or later alike, general opinion pronounces the present demand unpractical and impracticable, and believes that negotiation ought to precede, and would certainly be followed by, punishment. Were the foreign

negotiator to say to the Chinese, "We have settled every point but one, and, now that our terms are known, you are in a position to decide whether you will concede this last point or refuse: concede and we sign,—refuse and we tear up all that we have agreed on!"—were he to speak thus, the Chinese negotiator would close with him at once. The wedge of negotiation is like all other wedges, and will only split the block when driven in right end first.

Reparation for the past, both punitive and monetary, will of course be supplemented by stipulations regarding the future. Commercial interests will probably be provided for by some changes in the regulations of trade perhaps involving tariff revision; the Tientsin treaties, and all succeeding ones negotiated on the same lines, may possibly be declared to have been annulled by this year's doings, and whether replaced by new agreements or modified by the addition of various articles, the opportunity will doubtless be availed of to rectify past mistakes and provide more surely for future expansion. In the matter of tariff revision due consideration ought to be given to China's financial necessities, but at the same time care should be taken to avoid crippling trade by too heavy burdens, and, as for new regulations or additional articles, the localities concerned, and more especially in all that affects trade inland, the provincial

governments ought to be consulted and their different circumstances and differing requirements studied and allowed for; for trade to both flourish and be healthy, it is not enough to do all that one side asks for, but both sides ought to be shown the fullest consideration. The question of Missions, Missionaries, and Converts may also have to be re-considered and such new arrangements made as shall safeguard the future from the misfortunes and complaints of the past. Anything prohibitory ought to be avoided, and full room be given for the play of both zeal and common sense; but the status of both convert and missionary ought to be clearly stated, and the clause which formulates it ought to be fully and strictly enforced. The convert does not cease to be a Chinese subject when he embraces Christianity; but, like all other Chinese subjects, must continue to observe his country's laws and submit to his country's tribunals. The missionary is simply a missionary, and must confine himself to a missionary's work, and avoid everything that savours of interference in litigation and intervention of any kind where Chinese official action is concerned. It is only by insisting on an unswerving adherence to this principle that the hostility of local populations, provincial officials, and central government can be disarmed and evangelization freed from the disabilities it now labours under.

National representatives are also likely to be touched on, and as a perpetual warning against any repetition of this year's occurrences, it might be advisable for the article which stipulates for the presence of envoys at the capital to enunciate in the clearest and most forcible language the fact that the representative character makes their persons and establishments sacred and inviolable, and clothes them with majesty and privilege; but residence in an inland capital will have its special risks as long as it is not a matter of honour to respect the inviolability of an envoy, and till this is the case the transfer of the capital to a seaport would not much help matters. There is a halo of prestige about Peking as the capital which makes it preferable to any other place in the whole empire, and if the present dynasty were now to establish its Court elsewhere, it would certainly be regarded as a sign of weakness, and would tempt the restless in many provinces to try their luck, not so much to expel the Manchoo but as personal ventures. The settlement of these questions will seriously affect the future of China in all its aspects, and the foreign negotiator will have the larger say in them; but, once they are done with, it will remain for China to give effect to the stipulations concerning them.

On the one side, then, China has to recon-

struct her foreign relations—she has to apologize, make reparation, pay indemnities, and accept various new arrangements; and, on the other, sundry internal reconstruction has become a necessity, seeing that modifications are called for to guarantee financial engagements and insure full protection for merchants, missionaries, and ministers. The elaboration of all these points will take time, but each step will suggest the next and new light will shine to guide at each turning: how much can safely be left to the Chinese Government to plan, initiate, and carry out, and how much must be imposed or stipulated for by the various foreign powers, must depend upon the question concerned, its connection with the whole, and the amount of confidence reposed in promise and ability; but good faith must be taken for granted, and successful fulfilment of obligations can only be expected so long as native methods are not hampered by too many foreign restrictions and too much alien interference. Whether negotiators will have the insight that takes in both sides of a question, and the patience which is required for the real arrangement of so important a business, remains to be seen; but it is to be hoped that the opportunity will be made the most of and not lost.

The situation is the outcome of natural national evolution effected by the disturbance

engendered by the appearance and intrusion of foreign and antagonistic elements. The Boxer movement is the approximate cause; but this movement is itself one in a chain of causes and effects, and the future cannot develop unaffected by it. Although Prince Tuan and colleagues are said to have usurped authority and unlawfully constituted themselves the government of the country for the time being, no one is yet in a position to say with certainty how far the Empress Dowager went with them willingly or under compulsion. The Boxers are now being styled rebels and hunted down as such at sundry points, and as a matter of fact their doings have been characterized by a thoroughness that has overshot the mark and by a cruelty that has gone beyond all bounds. They began as volunteers, they posed as patriots, and they took the law into their own hands, and thus legalized lawlessness, which was to stamp out Christianity and frighten foreigners away from the country, murdered missionaries and converts, burnt down churches and dwellings, and culminated in the siege of the Legations; its enthusiasm and success even captivated princes and ministers of state, if not the Empress Dowager herself, and what it effected for the Chinese to chew the cud on is this,—the Court has fled, the capital is full of foreign soldiers, the burnt-out missionaries are housed in the princes' palaces,

and the surviving converts are the masters. Under the circumstances Chinese opinion is said to condemn the movement and pronounce all who took part in it worthy of every punishment; and yet, although now execrated by thousands of sufferers and disowned by such officials as are met with, it must be remembered that their aims and doings were lauded and upheld by the very highest dignitaries of the Empire, and that, sufferers apart, the Chinese world may possibly have only one fault to find with them—that they did not succeed. They no longer flaunt their gaudy sashes in public, but they are still in Peking, while in the country round about they still congregate and drill: negotiation may possibly pledge the Government to discountenance and even act energetically against such patriots, but how long or how far is such a pledge likely to be kept? China must grow strong, and it is to her people she must look for increase of strength. Will prohibitive stipulations gain their point? Is not Germany's "mailed fist" the outcome of an attempt to restrict her military growth? Or will punitive measures avail? Is there not a Phœnix-like power in the blood of martyrdom? We may not consider the dead Boxer a martyr, but what will his surviving fellows feel? Or are military promenades to continue till all present and possible Boxers are killed

off? But how exterminate China's four hundred millions? Is there not some better way of dealing with the matter, some wiser way of meeting the "Yellow Peril"? In a recent speech Lord Salisbury is reported to have exhorted the members of the Primrose League, "each in his own district, to do what they can to foster the creation of rifle clubs. If once the feeling can be propagated abroad that it is the duty of every able Englishman" (Chinaman) "to make himself competent to meet the invading enemy * * * you will then have a defensive force which will not only repel the assailant if he come, but which will make the chances of that assailant so bad that no assailant will ever appear!" This is just what China has been attempting; this is the very idea that is at the bottom of the Boxer movement, and the national uprising it means can only be met by the rest of the world either by reducing the Chinese to serfdom and keeping them there—and is that possible with a population of four hundred millions, or, if possible, is it the best way of treating so intelligent and so industrious a people?—or by dealing with them, their government, their property, their institutions, and their trade, as we ourselves would be dealt with—and is not that a duty even though they did not number a million? Dictation and coercion to be successful must be absolute and thoroughgoing;

but in point of fact they have their limits, and, whatever they may seem to have of local, partial, or temporary success, their effect can only be ephemeral, and one day or other the string will be cut and the cork fly from the bottle with a velocity and momentum that repression will unconsciously incubate but never dream of. Unfortunately at this juncture the situation is the result of many little understood antecedent and still existing causes, and the doings and attitude of Government and people are at various points and in many ways calculated to provoke, if not justify, adherence to a policy both coercive and dictatorial; but, all the same, it is precisely at this juncture that reasonable action and sympathetic treatment would win friends in the present and sow the seeds of good relations in the future. Foreign troops have now held capital and vicinity for months, and as yet the negotiators have not had a single sitting; this delay is creating unrest where all was quiet before, and so the difficulty is increasing—far-away regions begin to be affected, trade is coming to a standstill, revenue is falling off, failure to meet national obligations and pay the interest on foreign loans is hanging over a Government that would scorn repudiation, native and foreigner at Peking and Tientsin are alike feeling how military occupation can pinch, and some escape

from a situation that is entailing so much and such widespread suffering, and inconvenience is hourly more necessary. The return of the Court is all-important, but even here are all the elements of another dilemma if not deadlock, for how can the Court come back from its far-off Chinese surroundings and comparative immunity to a capital filled with foreign troops, and how can those troops vacate that capital till order is restored, proper relations re-established, and the future guaranteed? And yet till the Emperor is again in Peking everything will be abnormal and unsettled and without a proper foundation. The *mot d'ordre*, "Punishment first, negotiation afterwards!" must delay, if not prevent, such hoped-for return, and, even were it so liberally interpreted as to neither intimidate nor unnecessarily humiliate the Emperor, it will be long before reconstruction can be complete, before new structures can take the place of those the flames devoured, before new hands can recommence the old industries, before new modes of thought can heal old wounds, and new principles rectify old mistakes. On the other hand, some of the powers may realize the difficulties of the larger question, and take the view that their forces were sent simply to relieve the Legations and not to make war or dictate change, and that further intervention is inexpedient and the

future may be left to develop in its own way. Whatever be the eventual solution, the day of difficulty will not be ended by either the return of the Emperor or the withdrawal of foreign troops, but something will have been gained if Boxer excesses shall prove to have alienated the sympathy of the Government, and the considerateness of the foreigner shall have disarmed official suspicion and won some liking from the Chinese public. Time alone will show whether a wrong touch will have precipitated an empire boulder into the abyss below, or a right one restored equilibrium and settled it firmly on the edge of the cliff.

PEKING, *November*, 1900.

IV

CHINA AND NON-CHINA

Whether as the last year of the old or the first of the new century, this year now ending will for ever be memorable as the year of the siege of the foreign Legations at Peking. The Chinese Government had been in treaty relations with other powers during a cycle—had had Legations established abroad for more than two decades—had long ago created chairs of International Law in its colleges—and had been two score years in possession of excellent translations of Wheaton and other celebrated authorities, and yet the other day, on the expiration of the twenty-four hours for their ordered withdrawal, that Government calmly opened fire on the Legations and continued the bombardment, with one or two curious intermissions, from the 20th June to the 14th August. That this was not due to failure to understand the inviolability of the representative character can hardly be questioned, and it remains to be seen whether it was believed that with the expiration of the time limit recognition

of Envoys could end, or whether such high-handed action had other causes. No one ever expected such an occurrence, although many allowed that they knew nothing of Chinese innerness, and that anything might happen at any moment: that it did occur is disgraceful to the Government itself, humiliating to all connected with it, and a warning for all future time. The fiendish cruelty with which the patriotic Boxers and their military colleagues and mandarin patrons plotted and carried out the massacres both of their own people—men, women, and children, who had embraced the Christian faith, or who had had personal intercourse with foreigners, or who sold or bought foreign commodities—as well as of many missionaries and their families, is a stain on the national history that can never be atoned for, much less effaced. And yet, with all that is damnable and tragic in it, the episode is not without its humorous and comic side: the Court used every effort to expel the Legations —the Legations are still in Peking and the Court is in full flight hundreds of miles away in search of shelter; the Princes petted the Boxers and encouraged them to burn down the missionaries' houses—those same Princes are now wandering homeless and the missionaries dwell in their palaces; the converts formerly went about with fear and circumspection—

to-day the pagans kotow to the Christians and implore their protection; the high officials who sought our lives some few weeks ago are now reported dying off, one after another, by their own hands! But perhaps more extraordinary than this almost automatic retribution is the fact that, while Peking and the vicinity still harbours countless Boxers who are now quietly working for or selling things to the foreign garrison of this captured capital, and who, studying the victorious warriors, their posts, and their ways, are ready to don their scarlet sashes and take the field again should chance give an opening or an order from above sanction the experiment, the non-Boxer crowd are said to have not the slightest idea why the powers sent their troops here and in such numbers, but regard them as a band of brigands, who kill, burn, ravish, and loot, and who will one of these days disappear, as brigands have disappeared before, and leave the Chinese to themselves again. In fact, everything connected with China is anomalous, and statesmen have perhaps never had a more involved question to deal with as regards its origins than this Boxer movement has raised, or more far-reaching consequences to foresee, take advantage of, and provide against. Much has already been written on the subject, and it may at once be allowed that whatever has appeared by way of condemnation of Chinese

action or recommendation of what the powers ought now to do in return, was called for and not out of place; but shrieking sentimentality will not find a seat at the council board, and responsible negotiators will be true to their traditions: naturally they will individually seek to make the most of the occasion, but as naturally circumstances will limit them to doing what is at once the most and the least possible, aiming only at what is in their eyes practicable and practical.

The position the Chinese take up may be said to be this: "We did not invite you foreigners here," they say; "you crossed the seas of your own accord and more or less forced yourselves on us. We generously permitted the trade you were at first satisfied with, but what return did you make? To the trade we sanctioned you added opium-smuggling, and when we tried to stop it you made war on us! We do not deny that Chinese consumers kept alive a demand for the drug, but both consumption and importation were illegal and prohibited; when we found it was ruining our people and depleting our treasury we vainly attempted to induce you to abandon the trade, and we then had to take action against it ourselves. War ensued; but we were no warriors, and you won, and then dictated treaties which gave you Hongkong and opened several ports, while opium still remained

contraband. Several years of peaceful intercourse followed, and then Hongkong began to trouble us; it was originally ceded to be a careening place for ships simply, but, situated on the direct route to the new ports, it grew into an emporium, and also, close to our coast and rivers, it became a smuggling centre; in your treaties you had undertaken a certain control of any junk traffic that should spring up, but when that traffic became considerable you dropped the promised control, and our revenue suffered. Originally uninhabited, Hongkong now became the home of numerous Chinese settlers, many of them outlaws who dare not live on the mainland; these became British subjects, and you gave the British flag to their junks, which were one day British and another Chinese just as it suited their purpose; and out of this came the 'Arrow' war, followed by new treaties, additional ports, legalized opium, and fresh stipulations, in their turn the causes of fresh troubles. Whether it was that we granted you privileges or that you exacted concessions, you have treated the slightest mistakes as violations of treaty rights, and, instead of showing yourselves friendly and considerate, you insult us by charges of bad faith and demand reparation and indemnities. Your legalized opium has been a curse in every province it penetrated, and your refusal to limit or decrease the import has forced us to

attempt a dangerous remedy: we have legalized native opium,—not because we approve of it, but—to compete with and drive out the foreign drug, and it is expelling it, and when we have only the native production to deal with, and thus have the business in our own hands, we hope to stop the habit in our own way. Your missionaries have everywhere been teaching good lessons, and benevolently opening hospitals and dispensing medicine for the relief of the sick and the afflicted, but wherever they go trouble goes with them, and instead of the welcome their good intentions merit, localities and officials turn against them: when called on to indemnify them for losses, we find to our astonishment that it is the exactions of would-be millionaires we have to satisfy! Your people are everywhere extra-territorialized; but, instead of a grateful return for this ill-advised stipulation, they appear to act as if there were no laws in China, and this encourages native lawlessness and makes constant difficulties for every native official. You have demanded and obtained the privilege of trading from port to port on the coast, and now you want the inland waters thrown open to your steamers. Your newspapers vilify our officials and Government, and, translated into Chinese, circulate very mischievous reading: but yet they have their uses, for, by their threats and suggestions, they warn us what you may some

day do, and so help us indirectly, although that does not conduce to mutual respect or liking. All these things weaken official authority—therefore the official world is against you; and they hurt many native traders—therefore the trading classes are indignant. What countries give aliens the extra-territorial status? What countries allow aliens to compete in their coasting trade? What countries throw open their inland waters to other flags? And yet all these things you compel us to grant you! Why can you not treat us as you treat others? Were you to do so you would find us friendly enough, and there would be an end of this everlasting bickering and these continually recurring wars; really you are too short-sighted, and you are forcing us to arm in self-defence, and giving us grudges to pay off instead of benefits to requite!"

What precedes as coming from the lips of the Chinaman has been heard over and over again, and this will become public opinion—will spread and grow in intensity, and will work mischief always and everywhere: no explanations will mollify it. On the other hand, the foreigner looks out on things from a different standpoint, and acts on views which he considers not only defensible, but sound and unassailable. He is a Christian—therefore it is a sacred duty to attack every other cult and

preach the Gospel; he finds consumers keep alive a demand for opium—therefore it is his right, if not his duty, to supply it; he learns that China has an immense population—therefore he inveighs against every restriction, and claims liberty to sell to all who will buy, and to buy from all who will sell; he is told by some one that China has no laws, that Chinese judges are corrupt, that justice is bought and sold, and that torture takes the place of evidence on oath—therefore he demands and obtains extra-territoriality; he finds that China is not a military nation—therefore he pushes aside discussion, asserts his superiority, sees right in might, and has his own way; he has brought with him the idea that commerce knows only import and export duties—therefore he is indignant over the rapacity which levies riverine dues and inland taxes; he knows that such and such is the way of doing things at home—therefore he condemns all Chinese otherness, and would put four hundred millions of people in the garments of forty: in short, his doxy is orthodoxy, and everything else is heterodoxy, and so intercourse, instead of being mutually beneficial, is the reverse, and instead of fostering and cementing friendly relations, is producing discord, ill feeling, and even enmity. Time will doubtless correct mistakes that originate in extreme views, and remove these

misunderstandings; but so long as China is treated differently and differentially, so long will the course be a descent from bad to worse, and not progress from good to better. "Take away your missionaries and your opium and you will be welcome!" said Prince Kung. "Do away with your extra-territoriality clause," said the still greater Wên Hsiang, "and your missionaries and merchants may go where they please and settle where they please; if your missionaries can make our people better, that will be our gain; if your merchants can make money, ours will share in the advantage!" What both objected to was neither Christianity nor commerce, but the *imperium in imperio* which makes such difficulties for a State, and the class exemption which has in it so much that humiliates and disintegrates.

One of the latest of those who have been studying the Chinese question, Mr. Alexis Krausse, in the second edition of his work on China's decadence, "China in Decay," published last June, concludes with certain recommendations of "measures that are needful," viz.:

"1. The insistence of the carrying out of all treaty obligations, including the throwing open of the inland waterways, the opening of the ports named in the treaties, and the according of the right to travel to foreigners throughout the country."

The right to travel was long ago conceded

and is made use of every day, all the ports opened by treaty have long ago been opened, treaty obligations are carried out, and the inland waterways are open to all who comply with the regulations.

"2. The safety of foreigners in China to be guaranteed by the Government, and the local officials to be held responsible, under penalty of imprisonment and fine, for their persons and property."

The safety of foreigners is as much guaranteed by the Chinese Government as it is by any other power, and, the late exceptional occurrences apart, the wonder is that in such an immense empire so few outrages or accidents happen; local officials are held responsible for the good government of their respective districts, but a treaty stipulation for "penalty of imprisonment and fine" would embitter relations rather than increase safety. Did reverence for law and order or respect for the rights of others protect the Italians from a New Orleans mob? or did municipal regulations and a first-class police force save London from having to blush for some thousand casualties last November? or did good government avail to preserve the lives of President Lincoln, President Garfield, President Carnot, the Empress of Austria, or King Humbert of Italy?

"3. The abolition of Likin dues in exchange for an increase of five per cent. on the customs."

Such an increase would not compensate for the loss of the Likin revenue. Duties on goods passed by the maritime customs supply only a fraction of China's fiscal wants, whereas Likin, collected in every province, not only on uncertificated foreign merchandise, but on all kinds of native produce, is a necessity for the provincial administrations, which could not be supported without it unless other equally profitable sources of revenue are opened up.

"4. The appointment of an experienced man of the world possessing tact and diplomatic ability, and having a thorough knowledge of China and Chinese, as British Minister at Peking. Such a person would not only be able to deal with the Chinese with a knowledge of their idiosyncrasies, but would be able to keep himself in touch with all that goes on, and forward early information to the home Government of all developments."

It is a mistake to expect too much from any Minister at Peking, and such an "admirable Crichton" as Mr. Krausse has in his eye is not always at hand. One may rest assured that, all things considered, the home Government does always appoint the man supposed to be the fittest. Of the ten or twelve British representatives appointed under the treaties since 1842, two were recognized sinologues, two were fair Chinese scholars, two had a good knowledge of China, two were trained diplomatists, the others were experienced men of the world;

but, while they thus differed in personal qualifications, all kept in touch with what goes on, and forwarded early information to the Government. Had they been all rolled into one, the Legation would not have more to show for it to-day than we now see as the results of their tenure of office singly. Sir Frederic Bruce was perhaps the fittest of them all, and the most acceptable as well as the most successful, and the keynote of his policy was simply to be a gentleman always, avoid fussiness, and only intervene when a touch would settle and not capsize.

"5. A formal notice to the Chinese authorities that we refuse to recognize any concessions according trade or territorial privileges to any one nation which are not simultaneously accorded to all other nations."

This is already provided for by treaty in what is well known as the "most favoured nation" clause, and it is not only in the British treaty but in that of every other power—could anything be more formal? At the same time, action can only be taken under it when allowable; but is action always allowable? Can a land frontier privilege be properly claimed at a far-off seaport, for instance? Or, when Japan obtained the cession of Formosa, which was not only a territorial privilege, but swept away from our list of Chinese treaty ports the ports of Taiwan

(Anping and Takow) and Tamsuy with its outport Kelung, what did the rest of the world do? It acquiesced! Could England have done otherwise, or more?

"6. The policy of the waterways and hunting down of the pirates who infest the rivers of the South Coasts."

What policing, it may be asked, will put a stop to the kind of piracy which is now complained of—piracy committed not by smart craft commanded by Captain Kidds and manned by desperadoes of all colours, but by innocent-looking men who go on board in harbour as passengers, and who at some previously agreed upon point on the voyage overpower the crew, plunder the vessel, and then make off with their spoil in a junk that drops alongside? Many of these pirated vessels start from our model little colony Hongkong itself, and embark their pseudo-passengers there: but this is not to be wondered at, for, as everybody knows, Hongkong has long been the centre of opium smuggling and trade in arms and contraband salt, and round this lawlessness flock all the adventurers of the south. Something more than policing is required; but, although the problem is a difficult one, the thing itself is a small matter, and has only an infinitesimal effect on trade, whatever may be the effect of Hongkong as an asylum on relations.

Mr. Krausse thinks that "if only these points were insisted on, the existing trouble with China would come to an end, British interests would be saved, and England could afford to regard the future with that indifference which is the reward of patriotism backed by ability and supported by a determination to defend the country's interests under all circumstances and at all costs." It is to be feared this is too sanguine. What we want is, in a word, that our people shall be as safe and their interests receive as certain protection in China as elsewhere; and, to go to the root of the matter at once, this will never be the case till we treat China and the Chinese in just the same way as we treat any other civilized power or people—say America and the Americans. This mending of old clothes will not do—a new garment is wanted! An international Cancer is at work: as long as it works it will irritate and embroil, and it must be extirpated if international health is to be enjoyed and a sure foundation laid for building up a condition of mutual prosperity and mutual goodwill.

The uprising of 1900 was not without its causes, but the doings by which the actors, whether as patriots or rebels, sought to carry their point, had so much of lawlessness and cruelty in them that they can be neither justified nor excused. The objectionable side of

missionary work—the scheming of *soi-disant* converts and the intervention of priests between converts and pagans, or between both and officials—had irritated both people and officials in many localities, and notably in Shantung, the native province of China's Holy man Confucius; the participation of foreigners in the coasting trade, followed by the Chinese defensive experiment of a Chinese steam navigation company, had thrown numbers of Chinese out of employment, also notably in Shantung through which the Grand Canal runs—a waterway along which thousands of trackers used to haul the junks laden with rice from south to north, and had ruined many former capitalists, shipowners, and employers of labour; the seizure of territory, also begun in Shantung, had alarmed the people of a proud province and enraged the Government. Many of the officials in contact with foreigners both at Peking and in the provinces had had their unpleasant experiences, and had been treated to language and accompaniments never employed in dealings with the officials of other countries, and which, however politely tolerated and patiently borne, in reality mortified them inexpressibly besides engaging their sympathies for the opposition. Thus foreign intercourse and its effects had made many foes—some wise men tolerated, but none loved, and many determined to end it, their minds full of the memories of

the good old times when for thousands of years China had lived her own life and been untroubled by the intrusion and restless competition of aliens and barbarians, one phase of this competition, too, being an international jealousy which constantly caused trouble and claimed compensations. A rising anywhere would not have astonished any foreigner in China, for, although they severally went on with their usual avocations and enjoyed an amount of liberty and freedom from care their countrymen at home do not always know, they were all conscious that they were not loved, and they felt that disturbances might occur any day anywhere; in fact, when the Boxer movement began to spread and be threatening, the newspapers one and all cried out, "Did we not tell you so!" All the same, had the Chinese officials everywhere carried on their duties intelligently and energetically, and the Chinese people been everywhere taught to treat the foreigner in their midst as one of themselves, there need have been no such trouble; but, things being as they were, molehills became mountains, gnat-stings festered, bad blood was engendered, and the advanced section came to the conclusion that it was time to stand up for their own and drive out the intruder. The belief in the invulnerability of the Boxers took hold of the popular and official mind—unhappily

the latter more especially; the movement spread with wonderful rapidity, and in the northern provinces gained fresh recruits daily. It does not appear to have been at first intended to attack or hurt any foreigner personally, but simply to frighten them out of the country; on the other hand, it was part of their programme to make away with every convert, and in that way stamp out the Christianity which seemed to threaten to turn their world upside down; but, once begun, circumstances carried the actors beyond their original plan—they massacred native Christians, and then the natives who had anything to do with foreigners, and after destroying such parts of railway and telegraph lines as had kept Peking in communication with the outside world, they next attacked the foreigners in Peking and besieged the Legations. Their successes so far dazzled the eyes of their official supporters: they had forced a large relieving force to retreat—they had shut up the Peking foreign community and made it impossible for them to leave the section so surrounded—and, so, those old conservators and trusted advisers of the throne, Hsü Tung, Kang I, and others, were confirmed in their mistaken idea that they had only to destroy the foreigners in China to prevent any others from trespassing there for ever after. On and after the 13th June the capital was in the hands of

the Boxers, and everywhere incense was burning to show faith in and sympathy with them. Then came the capture of the Taku forts: we were terribly taken aback when we heard the news at Peking, for we saw it would precipitate matters and push the military into line with the Boxers, and it did so—thereafter it was not the Boxer rabble with sword or spear that we had to deal with, but trained soldiers accustomed to rifle and gun. Our alarm apart, it was fortunate for us eventually that the forts were thus taken, for, had that not been done, not only ourselves at Peking, but our sorely pressed countrymen at Tientsin would have fared far worse. To this day our escape at Peking puzzles us: was it that the Chinese assailants had not the pluck to press home the attack, or did wiser men who knew what vengeance the West would most assuredly take advise them to play with us as cats with mice, on the one hand to prolong their amusement as it were and enhance the glory of final success, and on the other to give time for relief to come and so save the situation? Relief did come, and just in time; but what a penalty Peking has paid for its midsummer madness! What will be the final outcome of this episode in which anti-foreign feeling has culminated remains to be seen; for the moment it is difficult to say whether it will let in anarchy or establish order more firmly.

In the mean time a stretch of desert must be crossed before Jordan is reached, and during that period of transition commerce will suffer and all engaged in it, while revenue will fall off, national obligations be difficult if not impossible to fulfil, and bondholders in countries far away feel the pinch of whatever inconvenience delay or uncertainty may occasion in the issue of interest on their investments. As to the Pao-ting-foo executions and the occupation of the Imperial Tombs by our troops, the effect will be of the usual double kind: it will do more to perpetuate ill-feeling than to teach lessons.

What precedes concerning the Boxer movement and the siege episode is, however, a digression, the object of the paper being rather to examine the general question than to narrate or criticize details: why should the Chinese be so anti-foreign, and can anything be done to improve matters and make them friendly instead? These are the questions for which answers are sought.

Although—or is it because?—the teachings of their Sages inculcate the tender treatment of strangers, the isolation in which as a people they have lived, the habit of considering theirs the chief of kingdoms and all others tributaries, the fact that all neighbouring states have been tributary, and the intellectual pride which superiority of cult has developed in all its

intensity, fostered and given form by a competitive examination system which for centuries has made every Chinese worship and bow down to intellectual prowess, have combined to lead the Chinese to expect from all who approach them an acknowledgment of superiority and a submissive tone and attitude; such being the case, their frame of mind is shocked by the men of the West who laugh at their pretensions, question their superiority, refuse them obedience, and make them accept dictation, and the majority have not yet rid themselves of the feeling and belief that such outrageous conduct only argues rebellion and savagery. Given such a manner of regarding themselves and others to build intercourse on, it is easy to understand why there should be stumbling-blocks at every step, and how the veriest trifles cause trouble: a trifle is a trifle so long as it is treated as such, but make a case of it and it becomes an enormity. Habit of thought had led the Chinese to expect one kind of action and one style of language; but Western independence has always given them just the opposite, and the result has ever been a sense of insult that must be accepted by reason of an impotence that is maddening. Natures so radically opposed must constantly be coming in collision, and the wonder really is that self-control and wisdom have so long prevented conflict.

On the foreign side offence has been unwittingly and unintentionally given, and it has not occurred to most people to suit action to character. After administering the initial blow which claimed equality and dictated terms, treaty relations began. Extra-territoriality, the central idea of the treaties, was not a stipulation tending to flatter national pride, gratify officials, or commend itself to the people at large; and some commercial clauses let in a foreign competition which hurt the native traders or enabled less scrupulous to take advantage of honester men, while a tendency to regard any difference of views as a possible infringement of treaty and to make international questions of minor occurrences accentuated each difficulty: these points apart—and for them the treaties themselves are answerable—the foreign mercantile public cannot fairly be accused of having done aught to outrage Chinese feeling or evoke Chinese ill-will. As for the missionary class, their devotion, zeal, and good works are recognized by all: and yet, while this is so, their presence has been felt to be a standing insult, for does it not tell the Chinese their conduct is bad and requires change, their cult inadequate and wants addition, their gods despicable and to be cast into the gutter, their forefathers lost and themselves only to be saved by accepting the missionary's teaching? As for the

accusation that converts trouble the localities they appear in, it may be asked, Have they anywhere been numerous enough to do so, and have they not always had, on the contrary, to go humbly to avoid trouble? Doubtless *soi-disant* converts have seen a way to make a great gain of a profession of godliness, but that they are able to do so, who is to blame but the Chinese local authorities themselves? And as for the charge brought against the missionaries, that they take up converts' cases and intervene between litigant and magistrate, may it not be inferred that if they do so it is only when they are certain of the justice of their friend's case, and only do so to secure justice and prevent injustice, and not that they interfere to bolster up a bad case to wrong even a pagan? Missionaries may have been deceived occasionally or they may have acted injudiciously occasionally, but has not the decision rested always with the Chinese magistrate; and is it likely that the advocacy or intervention of these isolated and unprotected strangers could have compelled officials to decide unjustly, or that their doings could have so upset whole neighbourhoods as to call for such a remedy as extirpation or such vengeance as that with which the Footai Yü Hsien and his Boxer myrmidons rendered infamous for ever the Governor's Yamên at Tai-yuan-foo? Nevertheless, whatever may be

written in excuse or justification of missionary action or to absolve converts from such accusations, it is and remains a fact that in the eyes of the community to accept a foreign faith is to insult a native creed, and to become a Christian requires a man to withdraw from local practices and thereby offend neighbours, and it may also be said to be a fact, so many Chinese complain of it, that scamps become Christians to bring a new kind of influence into courts where litigation goes on, and that missionaries have themselves injudiciously interfered to shape magisterial decisions; it does not require many such facts to establish dangerous possibilities in the popular imagination, and so lay foundations for suspicion and hostility, and while local gossip will not fail to accentuate what is objectionable in every such occurrence, flying rumour will as surely both magnify and scatter it far and wide. Similarly, foreign officials may have hurt the *amour-propre* of the mandarin on various occasions, but the duties imposed on them by the privilege of extra-territoriality are so many and so diversified and comprise such a combination of the legislative, judicial, and executive, as well as so much that is delicate in the diplomatic category, that they must continually be touching matters which the mandarin in question is powerless to deal with, and if the result is deadlock or irritation it cannot be

wondered at. At the capital Ministers have to worry the very highest officials in the empire with petty cases sent up from the ports, and at the ports consuls have to ask the local authorities for action in matters which, affecting principles, they declare themselves incompetent to deal with; both sides desire friendly settlement, and yet in the very nature of things it is only too easy to give and to take offence. In fact, anomaly is at the root of all the mischief: the foreign merchant is in a privileged position and is withdrawn from Chinese jurisdiction; the missionary is similarly beyond the reach of Chinese law, and his presence admits of various abuses springing up; the foreign official has under treaties to take action of a kind unknown elsewhere; and the outcome of all these anomalies is a feeling of humiliation, a sense of injustice, and a soreness that nevertheless could still be healed were the right remedy applied. At the same time, it must be allowed that the foreign negotiators had good reasons for the form in which they cast the treaties, and did all that was possible at the time to safeguard the varied interests of both sides, and their successors, the Ministers and Consuls who have had to interpret and see to the faithful execution of those treaties, have been just, reasonable, and considerate: such being the case, it is all the

more important to find out what is wrong and devise a remedy.

But what is the remedy, and what rectification would mend matters? Such a thing as a perfect panacea is nowhere to be found, nor, were such discovered, would it be certain to be adopted. It is not China and one power that is concerned, but China and many powers, and unanimity could not easily be secured: besides, outside unanimity could only succeed provided the prescription were suited to the constitution and character of the complainant. Friendliness rather than progress is what is wanted, and the means adopted should have this end in view: if friendliness is secured there will assuredly follow all appropriate material progress, whereas the attempt to force progress may not only fail in itself but, what is worse, be at the expense of friendliness. All that is meant by progress may be of the utmost use to State, people, and international relations; but it involves change, and every new departure must first of all be felt to be necessary, and must then be fully considered and provided for, and cannot be lightly undertaken. The powers are now supposed to be unanimous as regards "the integrity of China" and the "open door" policy, but they do not all approach the question from the same point of view, and their interest in China, their interests as affected by China, and their several

aspirations in connection with China, will have much to do with shaping their action, whether joint or individual, in China. Amidst so much that tends to produce variety, how is unanimity to be preserved—what is the best course to adopt in order to remove from future intercourse whatever has troubled it in the past, and to make the days yet to come go by in peace and be profitable to all? To this most important question the only satisfactory answer that much thought suggests is that the Golden Rule might be worth a trial: do away with the existing anomaly and let "Do unto others as you would have others do to you" be given an international application! The result of action on this simple principle would assuredly be more effectual than the differential rules which now shape intercourse. The cruelties of the Boxers and the worse than callousness of too many of those in power cannot be too harshly described or too severely dealt with, and that the people as a nation have the defects of their qualities can as little be gainsaid; on the other hand, it must as freely be allowed that the Chinese do possess quite as large a share of admirable qualities as others, and that these are not merely to be found in isolated cases here and there, but are characteristic of the race as a whole and the civilization it has developed. They are well-behaved, law-abiding, intelligent,

economical, and industrious,—they can learn anything and do anything,—they are punctiliously polite, they worship talent, and they believe in right so firmly that they scorn to think it requires to be supported or enforced by might,—they delight in literature, and everywhere they have their literary clubs and coteries for hearing and discussing each other's essays and verses,—they possess and practise an admirable system of ethics, and they are generous, charitable, and fond of good works,—they never forget a favour, they make rich return for any kindness, and, though they know money will buy service, a man must be more than wealthy to win public esteem and respect,—they are practical, teachable, and wonderfully gifted with common sense,—they are excellent artisans, reliable workmen, and of a good faith that every one acknowledges and admires in their commercial dealings,—in no country that is or was has the commandment "Honour thy father and thy mother" been so religiously obeyed or so fully and without exception given effect to, and it is in fact the keynote of their family, social, official, and national life, and because it is so "their days are long in the land" God has given them. Respect, and not contempt,—conciliation, and not dictation,—appreciation, and not differential treatment—try this prescription and you will have a healthy body politic, and until

this is done it will be the reverse. What is wanted is a settlement or understanding all will accept and abide by, and not one they will everlastingly be kicking against and endeavouring to upset. To secure such a settlement only one change is necessary, but that is a complete change—a radical change—a change of principle. The principle which underlies every treaty and runs through every treaty stipulation, and which unhappily is at the bottom of all the mischief, is what is justly considered the most important, the most valuable, and, from the foreign standpoint, the most essential point in treaties with China, and that is the principle of extra-territoriality—could we but give up this and relations would at once right themselves, rancour disappear, and friendliness rule instead. Trade would be freely permitted everywhere, and the investment of capital and development of internal resources meet with no unnecessary obstacle: the Government has already admitted in principle that natives may own steamers on coast and river, may establish telegraphic communication, may build railways, may open mines, may start manufacturing industries, and the foreigner has only to accept the same position to enjoy to their fullest extent the same privileges,—besides ensuring the removal of what makes such enterprises unprofitable. It is not for a moment supposed that any power

is yet ready to throw up what all foreigners consider such an inestimable boon: all will say China must abolish torture, must make new laws, must remodel the judicial system, must conform to the practice of Christian nations, before their Christian subjects can be submitted to native jurisdiction and before Chinese courts can deal with the intricacies of commercial codes, and they will point to the example of Japan and bid China do likewise; and China possibly may proceed to do likewise, but in the mean time the old sore will still rankle, and the temptation to misuse growing strength and throw off the yoke, instead of waiting patiently for the result of improvement, will be a constant, if not a growing, danger. On the other hand, it may be said that, while subjection to Chinese jurisdiction would make every foreigner take care to avoid offending—and there are prejudices to be respected as well as laws to be observed—and in that way keep them free from its action, the probability is that, foreigners being comparatively so few, not only would the necessity for their appearance in court be of rare occurrence, but the Chinese officials would everywhere be specially on their guard, and possibly receive the most express orders from their Government, to not only observe the greatest circumspection in all their dealings with foreigners, but avoid subjecting them to

any treatment that could be complained of anywhere by anybody. Nor should the effect of such a concession be spoiled by reservations and restrictions, beyond perhaps a stipulation for evidence to be taken on oath and some right of appeal, for the country, so to speak, would be on its honour, and the whole force of Chinese thought and teaching would then be enlisted in the foreigner's favour through its maxim regarding tenderly treating the stranger from afar. Such a change of principle in the making of treaties would widen and not restrict the field for both merchant and missionary, and would simplify and not complicate the work of both consul and minister—would do away with irritating privileges and place native and foreigner on the same footing—and would remove the sting of humiliation and put the Government of China on the same plane as other Governments. Of course it would be an experiment —but a promising one, whereas adherence to the treaties as they now stand will only continue the difficulties as we now know them, and, although the suggestion cannot be expected to be either accepted or acted on now, it is here offered for consideration as a something which may serve as an explanation as well as prepare the way for what sooner or later must come to pass. It may have been—it may still be—expedient and even essential from the foreigner's

point of view and the necessities of commercial law to stand on Chinese soil with the ægis of extra-territoriality and the procedure of their own courts; but to the Chinese eye this is a spear and not a shield, and until it is withdrawn there will be no assured dwelling at ease—no real welcome for foreign intercourse. Restore jurisdiction, and the feeling of the responsibility to protect as well as the appreciation of intercourse will at once move up to a higher plane.

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Many talks with Chinese acquaintances on the questions of the day—the doings of the treaty powers and the difficulties of China—have shown how the situation is viewed by those whose attention it has attracted, and it has always on such occasions been a source of astonishment to observe how they retained their calmness and philosophy while inwardly boiling with indignation and trembling with apprehension. Whether it is their rice diet that is at the bottom of the general calmness of the national temperament, physiologists and psychologists can best determine, but a pithy sentence with which one of the most celebrated of their historical romances commences, written ages ago, gives not only their philosophy of history, but the explanation of the calmness

with which they view the stirring events which make history. "Divided long, unites; united long, divides," it says, and the feeling that cause and effect have played, do play, and will continue to play in the way thus expressed, seems to be part and parcel of the Chinese mental equipment—one might almost say a Chinese category. If all they had to say during those many talks were compressed into a single paragraph, it might be interpreted thus:—"What you tell us is very true," said they; "we have not marched with the times! You must remember, however, that we are not a military people: we have cultivated the arts of peace, and all our teaching leads us to detest war and to look down on the profession of arms. Every province, of course, has its military, but they are police rather than soldiers, and are just good enough to preserve order and suppress revolt; till recently there was no necessity for fitting them to meet foreign troops in the field. We are being forced to change matters, however, and are changing, although, as a civilized people, we think to do so is to retrograde, and it is quite possible we may be going too slow and may be caught unprepared. Perhaps it is because we do not like it we are going so slow: but if right is right, why should it not be acknowledged—why must it be backed up by might? Our history, you

know, does not date from yesterday, and the 'black-haired race' has had experiences of every kind during the long cycles our records tell us of. We are not up to date now that we have to carry on intercourse with the armed powers of the world; we are weak, and possibly history is about to repeat itself—'United long, divides!' Russia may take the north, Germany the east, France the south, and England the centre, and it may even be a good thing for us that such should happen—it may even be better too for us than for them! Our new rulers may in fact rule us for our good quite as much as for their benefit, and in process of time, while our northern countrymen are seemingly become Russians, and the others Germans, French and English, we shall have learnt all they have to teach—we shall see introduced all that goes to make states rich and powerful—and we shall have improved upon that teaching, picking their brains and developing our own to an extent they may be the last to notice. Then, one fine morning—it may be a hundred, it may be two hundred years hence—a wave of patriotic feeling will thrill through the length and breadth of the land, and we shall say, 'Now, gentlemen, you can go home,' and home they'll go—'Divided long, unites!'" In these days of "short views" such a philosophy of history will perhaps be laughed at and its votaries

pronounced unpractical; but, should this volume survive, readers some cycles hence will have had time to realize how true it is that he who laughs last, laughs best, and that simples are often the best remedies.

PEKING, *November*, 1900.

V

THE BOXERS: 1900

Every eye has latterly been turned to China, and every language has had its vocabulary enriched by a new term—but was this Boxer movement simply the growth of a starving mob, or had it a deeper significance? If it had an official origin, and pursued its course with official guidance and support, the seriousness of the episode cannot be exaggerated, and, if such was not the case, the fact that the Government either could not or would not interfere to oppose it calls for more than ordinary consideration and examination. Whichever explanation we accept, there is still some anterior cause to be looked for: it is never the proximate cause that gives a full answer to real inquiry, and it is to origins we must go if we would understand the causes of causes and thenceforward master them, defy them, or learn the lesson of submission. Much has been everywhere written about recent occurrences in China, but the study of disjointed phases and unconnected details will interest rather than

enlighten, and may perhaps hide rather than show the more important issues. What we desire to discover is really something that will make future intercourse safe, peaceful, and profitable, and the first step to be taken in order to do that is to ascertain what it is that has made past intercourse in any form or degree the reverse. Sixty years of treaty relations have culminated in this Boxer movement: how account for such a *finale?*

The Chinese are a proud—some say, a conceited—people, but they have very good reasons for their pride, and their conceit has its excuses. Far away from the rest of the world, they have been living their own life and developing their own civilization: while others have been displaying what humanity may attain to with a revealed religion for its highest law and a Christ for its pattern, they have been exhibiting what a life a race may rise to, and live, without either. The central idea of their cult is filial piety; reverence for seniority, intensifying with every generation that transmitted it, settles all the details of family, social, and national life—instead of "Commit no nuisance," the placard on the wall says, "Respect thyself!" They are a pre-eminently reasonable people, and, when disputes occur, it is the appeal to right that solves them; for thirty centuries or more this recognized or inherited

worship of right has gone on strengthening, and so strong is the feeling that to hint to them right must be supported by might excites something more than amazement. The relations of sovereign to subject and of man to man have so long been authoritatively defined and acknowledged that the life of the people has been poured into and shaped by a mould of duty, while the natural division of the empire into provinces has been so harmoniously supplemented by provincial and inter-provincial arrangements under the metropolitan administration that law reigns everywhere and disorder is the exception. The arts of peace have ever held the first place in the estimation of all, and just as might should quail before right, so does intellectual prowess win honour everywhere, and the leaders of the people are those whom the grand national competitive examinations have proved to be more gifted than their fellows. In no other country is education so prized, so honoured, so utilized, and so rewarded: along its lofty ladder, broad at the base and narrow at the top, the son of the poorest peasant may win his way to the highest post among the ministers of state around the Throne, and such is the veneration for that simple vehicle of thought, the written character, that to tread on paper with either writing or printing on it is all but desecration.

Although not a warlike people by either nature or training, the force of circumstances and the prestige of a superior civilization reduced surrounding states to the position of tributaries, and thus the Middle Kingdom, soaring above all its neighbours, carried adown the ages with it, for itself as a state and for its people as the people of that state, a visible, tangible, and actual supremacy; near and far, all bowed to the will of the Emperor, so judiciously manifested as to flatter rather than irritate, and so judiciously held back that tributaries could live their own lives in detail, merely recognizing Chinese suzerainty on the surface, while all responded more or less to the influence of its civilization and deferred to the teachings of its ethics—ethics which had for their central and informing doctrine, that, while men know nothing about the Gods, they ought to live as if in their presence, and among their fellows do nothing to others they do not want others to do to themselves. Filial piety developed mutual responsibility, and that, in its turn, made a rule of right without might more possible, and the negative precept of not doing what we do not wish others to do made it a virtue to avoid interference and fostered broad views and wide tolerance. The natural result of all this was that the Chinese Government grew to consider itself the one great and civilized Government

beneath the skies, and expected all others to recognize it as such and admit their own inferiority, and the Chinese people—whose sons, deep-read in its many-sided literature and imbued to the core with all the teaching of its history and philosophy, were the officials and representatives of that Government through the length and breadth of the land—were not less proud: supremacy in every respect had for ages been taken for granted, and a proud consciousness of it has shaped the will and attitude of both Government and people.

In due time the men from the West began to appear, and when the Government that had so long considered itself supreme, and the people who had so long regarded all others as barbarians, at the end of a war commenced by an attempt to put a stop to trade in a prohibited and deleterious drug, found themselves defeated in arms and forced to accept treaty relations with powers who not only challenged that supremacy, but demonstrated their ability to dictate and enforce their will, the shock their national pride received at once took root in their nature as an enduring feeling of not only *amour-propre* hurt, but right outraged; and, ever since treaty relations began, this wounded feeling has been kept alive by the stipulations of the treaties and the recurrence of misunderstandings, and has increased, and not decreased, with the lapse of time.

Although treaty relations commenced with the hurt feeling just explained on the Chinese side, still intercourse went on peaceably for a score of years at Canton and the newly opened ports. During this quiet period, the island of Hongkong, ceded to England by treaty, developed considerable commercial importance, increasing yearly in the number of its inhabitants and the bulk of its trade; the seizure of one of its small trading craft by the Canton authorities, aggravated by the fact that that city still refused admission to foreigners, brought on what is known as "the 'Arrow' war," and ended in further Chinese defeats and the conclusion of new treaties at Tientsin, opening additional ports, adding transit rights to mercantile privileges, and (in the Chinese version, but not in the authoritative foreign original) according missionaries the right to acquire property and live inland. Without naming it, too, the same treaties accepted the idea of a uniform system and a foreign inspectorate, already in operation at Shanghai since 1854, for the Customs at the treaty ports, and so prepared the way for the establishment and extension of this branch of the Chinese service on a cosmopolitan basis and with an international sanction. Finally, that war opened the capital, Peking, to the Legations, and a new Board styled the Tsungli Yamên was thereon

created to transact business with the foreign representatives and take charge of China's international relations generally; two minorities interfered considerably with Court recognition of diplomatic status, but, animated by the desire to improve relations, progress was made in the direction of regular and recognized receptions by the Emperor, and even the Empress Dowager herself followed up the anti-reform action of 1898 by receiving on two separate occasions the wives of the foreign ministers, while the Emperor received Prince Henry of Prussia on terms of equality.

This progress at Court apart, however, the forty years that elapsed between the Tientsin treaties and the Boxer movement did not go by as quietly as the twenty preceding ones, when the treaty powers were less numerous and the Nanking treaties ruled. Thus the 'seventies saw the Margary trouble with England, the 'eighties the Tonking affair with France, the 'nineties the war with Japan, the annexation of Burma, the release of Corea from the tributary position, the cession of Formosa, and the leases of Kiao Chow, Port Arthur and Talienwan, Wei-Hai-Wei, Kwang Chow Wan, and Kowloon, and, last of all, the Boxer movement, with the occupation of Peking by the forces of eight allied powers and the flight of the Court to Si-an. With the close of the

century the cup of suffering may be said to have been filled to the brim, but why should the last twenty years of the cycle of treaty relations be so stormy as compared with the quiet times enjoyed during the first twenty? Had the Tientsin treaties anything to do with it?

By the Tientsin treaties foreigners obtained some privileges which were subsequently considered objectionable by various natives whose interests they interfered with. The coasting trade was thrown open to vessels under foreign flags, and this competition damaged junk-owners and the branches of native trade therewith connected. The privilege of conveying goods to and fro inland under transit passes was accorded to foreigners, and not only was this abused for native consignments, but it caused troubles for the financial arrangements of the semi-independent provincial administrations. Missionaries availed themselves of the new clause above referred to, and established themselves at many places inland; and this was followed not only by quarrels between converts and pagans, but by complaints that the missionaries themselves interfered in local official business, thereby irritating both mandarins and people. Foreign Legations were established in the capital, and business did not always proceed as smoothly as the Chinese officials would have

liked. The foreign inspectorate of Customs took many perquisites and some patronage out of the hands of the Taotai superintendents, and, although highly valued at headquarters, did not enjoy much popularity locally. Over and above all these causes of irritation was the continued disparagement implied in the extra-territoriality stipulation, and its humiliating effect was more and more felt as intercourse grew and Chinese representatives abroad became better acquainted with procedure elsewhere. To what extent treaties, commercial dealings, missionary propagandism, improved revenue administration, and official intercourse at Peking and the ports have really benefited China, are each debatable points. Foreign governments, merchants, missionaries, and officials would be loath to acknowledge that no good has been done—much less harm; and yet on the Chinese side we have Prince Kung exclaiming: "Take away your opium and your missionaries, and all will be well!" while the still greater Wên Hsiang, who was, as it were, Prime Minister, about the same time, said on one occasion: "Cancel your extra-territoriality clause, and merchants and missionaries may go anywhere and everywhere," and on another: "Do not think the growth of foreign revenue is gratifying; every increase means a new provincial difficulty, and, instead of considering it a gain,

we would willingly tax ourselves and pay out an equivalent amount to be rid of you!" There may have been exaggeration in the language of each, but that language expressed opinion, and that opinion grew out of experience. During the 'forties, 'fifties, and 'sixties foreign intercourse was simply tolerated, and was never regarded as a blessing; it was not necessary for the eighteen provinces to buy from or sell to foreigners — their own immense inter-provincial trade quite sufficed to dispose of superfluous products and supply the demand of consumers; their Confucian ethics provided for the proper regulation of all the relations of men in this world—for barbarians, who so little understood the import of right here, to send missionaries to teach about preparation for the hereafter, was simply ludicrous, and was becoming more than a nuisance by the quarrels that everywhere followed such teaching; as for treaties and the pleasures of foreign intercourse —China was happier and better without them. In a word, China had been living apart to the end of the eighteenth century, and was supreme in her own far Eastern world, and now we have the nineteenth ending with such an attempt to expel foreigners that the experience of a century's intercourse may be pronounced to have been neither profitable nor pleasing: if profitable, was it so displeasing that unpleasantness

outweighed benefit—if pleasing, was it so little profitable that loss cancelled enjoyment? Volumes would be required to detail the occurrences of this century of intercourse, to trace the inter-connection of cause and effect, and to explain how each has been in turn the falling drop that wore the hole and left a rift in friendship: how can the limited space of a magazine article suffice to exhibit all lights, answer all objections, or exhaust explanations of the past and suggestions for the future? It is, in fact, surpassing strange that there should to-day be room for such criticism, seeing that, at all events on the surface, trade and intercourse have on the whole had such quiet times at every port, and it is all but incredible that we have so long been living on the flanks of a volcano; and yet it is apparently beyond dispute that, however friendly individuals may have appeared or been, general intercourse has all along been simply tolerated and never welcome, and now an uprising against foreign teaching and foreign intrusion, always possible, has to be faced and dealt with. Such being the case, there must be a cause for it, and surely there must be a remedy too—why is foreign intercourse seemingly under a ban, semi-governmental semi-popular, and what can be done to make it both welcome and profitable in the future?

Foreigners in China, although increasing in numbers, are not very numerous, and may be roughly divided into three classes—mercantile, missionary, and ministerial. The mercantile class carry on their business in an orderly, legal, and unobjectionable manner, in accordance with treaty stipulations and rules framed to give effect to the same: there has been nothing in their behaviour as a class or as individuals to warrant the hostility of the Chinese around them; but, all the same, Chinese do complain that foreign competition in China's coasting trade has ruined junk-owners and thrown out of employ the large crews they used to support —thus antagonizing the trading classes; and that the right to convey merchandise to and fro under the transit clauses has disorganized provincial finances—thus estranging all inland officials. The missionaries, it is granted, exert themselves to do good in various ways, and their medical benevolence is acknowledged with grateful appreciation; but the very fact of their presuming to teach at all is itself irritating, and for neighbours to accept their teaching is still worse, while certain abuses that have crept in—such as *soi-disant* converts joining their congregations to get protection against the consequences of misconduct, or to make use of Church connection to influence local litigation, as well as missionaries themselves

intervening or interfering in local official business, a sort of poaching on official preserves which mandarins wax wroth over—have from time to time caused local excitement and displeased both people and officials. As for the ministerial class—the foreign representatives at the Capital and the Consular authorities at the ports—it is absurd to suppose that their attitude and conduct have been other than propriety requires; and yet, at the same time, as the official representatives of governments that not only ignored China's claim to supremacy but exacted concessions or shared in the concessions exacted by others, they have always been viewed with suspicion, and, however popular personally, with dislike as a class, while the language and action of isolated individuals, if passing the bounds of comity, are noted rather as the characteristics of the class than the idiosyncrasies of the individual. The advent of the foreigner was unwelcome,—the incidents that mark his presence create dissatisfaction, —and the undercurrent of feeling is in the direction of a desire to induce him to hasten his departure rather than to prolong his stay. These blemishes disfigure the features of foreign intercourse, and neither "powder" nor "rouge" will efface them: if they, as effects, must disappear, the causes from which they spring must either be removed or neutralized.

On the Chinese side there is pride, innate pride—pride of race, pride of intellect, pride of civilization, pride of supremacy; and this inherited pride, in its massive and magnificent setting of blissful ignorance, has been so hurt by the manner of foreign impact that the other good points of Chinese character have, as it were, been stunned and cannot respond; it is not simply the claim for equality, or the demonstration of physical superiority, or the expansion of intercourse under compulsion, or the dictation of treaties, that have hurt that pride —were it only these, time would have healed the wound long ago, but it is a something in those treaties which keeps open the raw and prevents healing. Just as one can paralyze the body or corrupt the soul of a human being, so too is it possible to outrage the spirit and antagonize the nature of a people; and it is something like this which the West has done in the case of China, of course unintentionally yet not the less effectually. The most important, and from the foreign standpoint the most essential, stipulation in the treaties is that which extra-territorializes the foreigner in China; it is the principle on which the treaties are built up, and the spirit of it runs through every article: by it the foreigner is not amenable to any Chinese tribunal, and can only be dealt with by the officials of his own country,

and there is a certain caoutchouc quality in its nature which extends its area, so that, while it is claimed not only for the individual but for his property, it leads to the supposition that he is not only to be judged by his own laws alone, but is absolved from any obligation to observe the laws of China—laws which, it must be remarked, are of two kinds, the one being the written laws of the empire, and the other the unwritten laws, the practices, prejudices, and superstitions, of a locality, in their turn just as binding on all people there and more likely to produce local ill-feeling if violated. A foreign official is invoked, for instance, and his intervention obliges Chinese officials to enforce the sale of a certain plot of ground to missionaries against the wishes of the neighbours, and then the missionary proceeds to put up a lofty building on it, thereby, in the estimation and to the consternation of the whole population, irretrievably ruining the luck of the neighbourhood and the fortunes of its inhabitants. To the foreigner the native objection is not only a something to be laughed at, but is a superstition to be fought against and swept away, and this is just the style of action which carries with it the sure seed of a future riot and demands for gunboat protection; were he not withdrawn from the jurisdiction of the lords of the soil, the Chinese Government, the foreigner might

possibly acquire that special plot, but he would be unable to put up that style of building on it—would not another structure or another site do just as well, and would it not be better to have the friendship than the hostility of the neighbours? As to the strength of these superstitions, there is nothing stronger; and as to their warrant, accident will always supply that. Take, for instance, the belief that a solar eclipse on New Year's Day means bad luck for the Emperor, and that an intercalary eighth moon portends calamity for the country at large: well, in 1898 the first day of the Chinese year was marked by an eclipse of the sun, and before that year ended the Empress Dowager had brushed aside the Emperor and strangled reform; while in 1900 the intercalary eighth moon came round, and behold, the Boxer movement shook the whole world! What the West has said, has sounded to Chinese ears like this: "You are pagans, but we are Christians—your laws are not our laws—your judges are corrupt—injustice prevails—torture is practised—punishments are barbarous—jails are hells—and we therefore withdraw our people from your jurisdiction, and send missionaries to make you think as we do: but there is money to be made in your trade, and therefore you must share that trade with us, even though it be along your coasts and on your inland waters,

and you must accord us—for are we not strangers and guests?—the commercial privileges which go hand in hand with the principle on which we have made treaties, and you had better not violate these treaties or you'll have to pay for it!" China, the proudest of the proud, is wounded to the core, and taken the right way the most reasonable of the reasonable, is made more obstructive than obstructionists. This is the explanation of the fact that intercourse under treaties has not been a success, and, no matter what safeguards be devised, as long as these treaties regulate intercourse, so long will the irritation last, and so long will the foreigner be unwelcome. Merchant, missionary, and minister may one and all be animated by the best motives—they may be sympathetic, considerate, patient, tactful, and just; and yet, building on this foundation, the structure they run up will be as much out of the perpendicular as the leaning tower of Pisa, and sooner or later it must snap and collapse.

Time will, of course, remedy matters in its own way: wisdom and forbearance may happily ward off collision and catastrophe, while various reforms—such as the Footai Tsêng Ho advocated in his memorial for a new code of laws just before the conservative wave swept him away two years ago—may gradually assimilate Chinese procedure to that of the other sections

of the civilized world, and the West may then consider itself at liberty to regard China in another light, cancel the differential treatment now held necessary for the protection of the foreigner on Chinese soil, and, by recognizing and re-establishing essential harmony, eradicate the roots of discord; but such changes may require generations to effect, and while the process is going on the old wound may bleed afresh, and the more robust the rest of the body, the harder it may be to stop the flow. Curtailment of the natural right of jurisdiction, cancellation of such defensible monopolies as a country's coasting trade, and alien protection for natives who forsake the national cult, are considered to be among the characteristic features of treaty intercourse, and there is no escaping the fact that the Chinese regard them as offensive, and know that they would not be tolerated elsewhere; but, just as the exquisite teaching of the Sermon on the Mount is too Christ-like for the average Christian to adopt and follow in all the details of his daily life, so, too, international morality must be accorded its exceptions when Christian claims eclipse pagan rights, and its evasions when the things it considers expedient conflict with uncivilized preferences. Of all the powers, it is Russia that can best afford to be on good terms with China: Russia is a neighbour and can wait—has no

propaganda—her commerce, though considerable in volume, has, so to speak, but one body, and rolls along over a recognized and beaten track—and Russia may yet be the first to restore to China her sovereign rights, and so cement for ever the neighbourly friendship that has characterized so much of her action in the past. As for the other powers, their base is far away: their interests are many, scattered, and diversified, and their hands are to some extent forced, as they can only strike out in defence of the same, with effort, occasionally, and spasmodically; and they probably dare not risk such an experiment as an alteration of the guiding spirit of the treaties involves, although it is quite possible the change might prove not only innocuous but beneficial; their subjects and citizens, on the one hand, being thereby forced to actively avoid giving offence, and the Chinese officials, on the other, gratified by the proper recognition of China's independent status, bound over to afford every protection and shun every appearance of harshness or injustice, the field of the merchant and missionary being thereby extended and widened, and the duties of the ministerial body simplified and elevated.

Unfortunately, explanations do not always remove—they sometimes only increase—difficulties, and to most readers it may seem incredible

that popular feeling in China has been influenced directly or indirectly by either treaties or treaty stipulations. As a matter of fact, few know anything about such international instruments, but various sections have felt their effect, and among certain classes and their acquaintances rumours constantly spread, reflecting what has been heard by the underlings who hang about in such numbers when mandarins receive and discuss business with foreign officials, or themselves talk over foreign questions with their friends and colleagues: a mandarin, as is well known, has only to express annoyance at something foreign to give the cue and set the fashion for a whole neighbourhood. Whatever hostility may exist, latent or expressed, it is nevertheless a fact that every foreigner has at hand numbers of Chinese friends, and that many Chinese live by, are interested in, and do not object to, foreign intercourse; China, however, is not an easy country to understand, and those who are best acquainted with it are puzzled to trace its sequence of thought or interpret its public opinion. The present outbreak may have its uses and clear the atmosphere, and years of tranquillity may follow, and if this attempt to explain matters can in any way help to a better understanding, or prepare the way for such a manner of dealing with the Chinese question as

to make relations more friendly and intercourse more profitable, it will not have been penned in vain. Although the Peking Government had seemingly sanctioned the utterly inexcusable doings of the Boxers and others last summer, and officials in two or three provinces countenanced and took part in the infliction of the most cruel sufferings on missionaries and their families, it should not be forgotten that in the other fifteen or sixteen provinces the Viceroys and Governors maintained order, and no anti-foreign risings occurred: this fact ought not to be lost sight of when discussing the extent to which circumstances practically justify the powers in treating China as beyond the pale of civilization and Chinese claims as no longer entitled to a hearing. While conceding with Chinese thinkers that great is the might of right, one must qualify that with the thought that great also is the right of might. Where the most powerful states are also the most civilized, they not only have the right, but it is their duty sometimes to impose their will on others—only, in proportion as they are mighty and civilized, so should their action be considerate, discriminating, and just.

PEKING, *December*, 1900.

APPENDIX I

Circular No. 512.

Inspectorate General of Customs,
Peking, 2nd September, 1890.

SIR,

In March, 1878, the Yamên addressed a very important Circular Letter to the Chinese Ministers abroad, in which the views of the Chinese Government respecting Transit, Likin, Exterritoriality, "Most favoured Nation" clause, and Missionary Question, etc., etc., etc., were very clearly set forth, and that letter was communicated to—and, I assume, its views accepted by —the Treaty Powers. As it is desirable to have the letter on record for easy reference, I now enclose a copy.

I am,
Sir,
Your obedient Servant,
ROBERT HART,
Inspector General.

To the Commissioners of Customs.

[*English Version.*]

THE TSUNGLI YAMÊN TO THE CHINESE MINISTERS ABROAD.

1. Since the Treaties of Tientsin were ratified, China's relations with foreign Powers have invariably been conducted in accordance with their stipulations. Whatever complaints there may have been on the part of foreign

Governments on this head have in the main been occasioned by accidents to individuals and the incidence of taxation. As regards the first class of complaints, it must be remembered that such things may occur in any country, and that no amount of foresight can effectually guard against them; while as to taxation, it is where there are no Treaty provisions, or where Treaty provisions are read two ways, that differences occur.

2. Treaties may be revised once in every ten years, and such additions, abrogations, or modifications as are introduced depend of course on the voluntary assent of the contracting Powers. The first revision of the British Treaty was concluded by the Yamên and British Minister in 1869; but notwithstanding that friendly negotiations had extended over as much as two years, the British Government refused to ratify the arrangements of its representative, and the Revised Treaty has never been in force. For a year past the revision of the German Treaty has been going on; and among the proposals of the German Minister there are some to which it is impossible for China to assent; so, although there has been much discussion, no settlement has been yet arrived at. In this matter of Treaty revision, a mutual interchange of views is a preliminary of much importance, and it appears to us that there are four cardinal points regarding which it would seem that we have up to the present failed to make the Chinese view understood. They are: (1) Transit; (2) Likin Taxation; (3) Exterritoriality; (4) The "Most Favoured Nation" clause. We propose to state our views in connection with them for Your Excellency's information.

3. As regards dues and duties paid by foreigners generally, we hold that by the Treaties of Tientsin foreigners—

(1) Can import *foreign* goods into China on payment of the tariff duty;

(2) Can re-export duty-paid *foreign* goods to a foreign country and obtain drawback of the import duty originally paid;

(3) Can convey duty-paid *foreign* goods into the interior, and either, as Chinese merchants do, pay duties at each Custom-house and taxes at each barrier passed, or, by payment of the tariff transit due, can free their goods from such duties and taxes *en route* to any place, however distant, named by them and entered in their transit certificate;

(4) Can purchase *native* produce in the interior, and, if intended for foreign export and supplied with transit certificates, can bring it to a Treaty port exempt along the route from all duties and taxes, by simply exhibiting the Certificates at each Custom-house and barrier passed, it being merely charged the tariff transit due at the "last barrier" (*i.e.* the barrier nearest the port); or if not provided with transit certificates, then such produce has to pay the duties and taxes to which Chinese merchants are liable;

(5) Can export *native* produce on payment of an export tariff duty.

(6) Can convey *native* produce from Treaty port to Treaty port on payment of an export duty at the port of shipment and a coast trade half duty at the port of discharge;

(7) Can, after payment of the coast trade half duty as above, convey such *native* produce into the interior on payment of the duties and taxes at the Custom-houses and barriers passed *en route*, in the same manner as Chinese merchants.

The above is in a general way what foreigners trading

in native and foreign goods are entitled to as regards payment of duties in accordance with Treaties and Regulations.

4. As regards *Transit Inwards*, however, foreigners have maintained that to say goods are exempted *en route* from a port to the place mentioned in the transit certificate is not enough: they have held that foreign goods which have once paid transit dues cannot subsequently be called upon to pay any local charge whatever. To this interpretation we cannot agree. By the Treaties foreigners have the option of taking out or not taking out transit certificates. If transit certificates are applied for, the treaty stipulations require that the place to which the goods are going must be named and entered in the certificate. Why is this so? It is because the certificate is only to free the goods from the Treaty port to the place named in the certificate; arrived there, the certificate becomes waste paper, and the goods thereafter differ in no respect from ordinary uncertificated goods. Again, the foreign merchant having the option of taking out or not taking out transit documents, it thence results that foreign goods of two kinds are found at the same place in the interior at the same time, namely, certificated and uncertificated: the certificated goods, travelling in a given direction under certificate from the Treaty port to a place named, are by Treaty exempt from taxation everywhere *en route;* while the uncertificated goods, transported in any direction at pleasure, are everywhere liable to the incidence of local taxation. When the certificated goods have arrived at their place of destination and by the cancelling of the certificate have become uncertificated, they like all other uncertificated goods, are thenceforth liable to taxation. The certificate once

cancelled on arrival at the place of destination, how can it be possible to distinguish among equally uncertificated goods which had paid and which had not paid transit dues? It is evident, therefore, that complete exemption from taxation, everywhere and for all future time, is not the meaning of the Treaties, but simply that goods are to be freed from all taxes *en route*. In a word, as we understand the inward transit privilege, a certificate only protects goods from charges *en route* from port to place; but this is already a great privilege, for on paying one transit due the foreigner can at pleasure send his goods to any market, however distant, without further liability to taxation.

5. As regards *Transit Outwards*, foreigners have held that goods may be brought down under transit certificate even when not intended for foreign export, but meant for re-sale in China, and have gone so far as to say that, even without certificates, no tax ought to be charged in the interior on goods ordinarily exported to foreign countries. Now, as Chinese merchants have to pay all taxes *en route*, it is obvious that the only way foreigners could bring down goods free would be under certificates, and therefore, without certificates, goods must pay, no matter what may be their subsequent destination. And again, since native trade would be subjected to unfair competition if foreigners were permitted to bring down produce under transit certificate and then send it to another part of China for sale, it follows that the produce that is entitled to transit privileges can only be such produce as is intended for foreign export. In a word, as regards native produce outwards the case is just the same as with foreign merchandise inwards: the transactions differ, but the amount of duty charged is the same; for just as a

foreigner can take foreign goods to any part of China on payment of a full and half duty, so he can go to any part of China and thence take Chinese produce to a foreign country on payment of a similar full and half duty.

6. *Likin* is continually objected to by foreigners. But is it not just as well known that Chinese merchants are opposed to it too, and that the Government regards it only as a temporary expedient? Independent Powers must be guided by national necessities in fixing their taxation. In these troublous times the demands on the Government are very heavy, and it is impossible to avoid having recourse to special measures. We maintain that all such matters should be left to be determined by China herself, and that the foreigner has no more right to interfere with or object to them than China would have to interfere with or criticize the action of a foreign government in raising loans or increasing taxes. If foreign merchants desire to escape the Likin, they can escape it: all they have to do is to supply themselves with transit certificates when taking foreign goods into the interior or bringing native produce out of the interior; if they do not carry transit certificates they must pay the Likin, for, in the absence of transit certificates, all goods are alike and indistinguishable, and must in the interior pay Likin according to the rule of the locality.

7. As regards *Jurisdiction*, i.e. *Exterritoriality*. By the Treaties foreigners in China are not amenable to the jurisdiction of the Chinese authorities, *i.e.* they are exterritorialized. If they have disputes among themselves, their own authorities are to settle them; if they commit an offence, their own authorities are to punish them according to their own national laws. But

foreigners claim much more than this : they interpret the exterritorial privilege as meaning, not only that Chinese officials are not to control them, but that they may disregard and violate Chinese regulations with impunity. To this we cannot assent. China has not by any Treaty given foreigners permission to disregard or violate the laws of China : while residing in China they are as much bound to observe them as Chinese are ; what has been conceded in the Treaties in this connection is merely that offenders shall be punished by their own national officials in accordance with their own national laws. For example, if Chinese law prohibits Chinese subjects from going through a certain passage, foreigners cannot claim to go through that forbidden passage in virtue of exterritoriality. If they go through it and thereby break a Chinese law, their own national officials are to punish them in accordance with such laws as provide for analogous cases in their own country. In a word, the true meaning of the exterritoriality clause is, not that a foreigner is at liberty to break Chinese laws, but that if he offends he shall be punished by his own national officials. Again, seeing that China has agreed that these judicial powers shall be exercised by foreign consuls within Chinese territory, foreign governments should on their side take care that none but good and reliable men are appointed to these posts. Several states, however, appoint merchant consuls. Now, in so far as concerns that part of a consul's duty which comprises the reporting and clearing of ships and the shipping and discharging of sailors, China does not object to its being discharged by merchant consuls. But in China a consul's duties comprise judicial functions as well, and the importance of such functions is such as to seem to demand the appointment

of *bonâ fide* officials to consular posts; moreover, where cases requiring joint investigation occur, it is neither convenient nor dignified for a Chinese official to sit on the bench with a merchant consul, who may have been fined for smuggling the day before, or who, in his mercantile capacity, may perhaps be personally interested in the case at issue.

8. The "*Most favoured Nation*" clause is found in all the Treaties, and it is well that it should be so, for it is difficult for China to distinguish between foreigners or say which belongs to which nationality; and so much is this so, that even non-Treaty Power foreigners are treated like the others. The object of the foreign negotiator in introducing this clause was to prevent his own nationals from being placed at a disadvantage as compared with others, and to secure that all should be equally favoured. Now this is precisely what China desires. But foreign governments, although their objects in negotiating for the "most favoured nation" clause were similar to those of China, are not always fair in their interpretation of it. For example, if China *for a consideration* grants a certain country a new privilege on such and such conditions, this would be of the nature of a special concession for a special consideration. Should other countries come forward and in virtue of the "most favoured nation" clause claim to participate in the new privilege, although China need not necessarily exact a similar consideration in return, yet it would be only just to expect that in enjoying the privileges they would consent to observe the conditions accepted by the power to which it was originally granted. But, far from this being the case, there are some who, while demanding the privilege, refuse to be bound by the conditions attached to it. This is the

unfair interpretation to which China objects. In a word, as regards this "most favoured nation" clause, we hold that if one country desires to participate in the privileges conceded to another country, it must consent to be bound by the conditions attached to them and accepted by that other.

9. Over and above the four points commented on there is the *Missionary question.* China, recognizing that the object of all religious systems is to teach men to do good, has by treaty assented to missionaries coming to teach their doctrines in China, and has also guaranteed protection to them and to their converts. But among the missionaries are some who, exalting the importance of their office, arrogate to themselves an official status, and interfere so far as to transact business that ought properly to be dealt with by the Chinese local authorities; while among their converts are some who look upon their being Christians as protecting them from the consequences of breaking the laws of their own country, and refuse to observe the rules which are binding on their neighbours. This state of things China cannot tolerate or submit to. Under the exterritoriality clause foreigners are to be dealt with by their own national authorities, but as regards Chinese subjects on Chinese soil, it is only the Chinese authorities who can deal with them, and Chinese subjects, whether Christians or not, to be accounted good subjects, must render an exact obedience to the laws of China; if any offend against those laws, they must one and all, Christians or not Christians alike, submit to be dealt with by their own native authorities, and the foreign missionary cannot be permitted to usurp the right of shielding them from the consequences of their acts.

10. In order that negotiations for Treaty revision may

be facilitated, what is required is reciprocal consideration and mutual forbearance. We accordingly address to Your Excellency this communication.

To recapitulate :

a. In the matter of *Inward Transit*, we hold that certificates only cover goods from a Treaty port to the place named in the certificate, exempting them from all taxes *en route*, and that, once arrived at that place, they thereafter differ in no respect from uncertificated goods, and must, like all uncertificated goods, pay whatever charge the barriers passed thereafter may collect.

b. In the matter of *Outward Transit*, we hold that produce not yet bought by foreigners, or bought but not covered by Transit documents, is liable to all local charges, and that goods brought down under Transit Passes for foreigners must be sent to foreign countries, and cannot be allowed to go to other Chinese ports for sale, to the disadvantage of native-owned goods which have not had the benefit of the Transit Pass.

c. In the matter of *Likin and Taxation generally*, we hold that China, as an independent State, has the right to levy whatever taxes she pleases in whatever manner she may think best ; and we consider it unfair on the part of other Governments to question our proceedings or put difficulties in our way, seeing that we only collect special taxes because special circumstances call for them.

d. In the matter of *Jurisdiction*, we hold that the exterritoriality conceded in the Treaties does not free the foreigner from observing the rules which Chinese have to observe ; and seeing that Consuls have judicial powers, we think the importance of the trust requires that they should be *bonâ fide* officials, and not traders.

e. In the matter of *the "Most favoured Nation" clause*,

we hold that when any country claims to share the privileges conceded to another, it is bound to observe the conditions accepted by that other likewise.

f. In the matter of the *Missionary question*, we hold that within Chinese territory it is only the Chinese officials who can be allowed to exercise authority over the Chinese people, and that, Christians or not Christians, Chinese subjects must one and all pay due respect and obedience to the laws of China.

What China wishes to do is to carry out the treaties in such a way as to give full effect to all their stipulations, and place all foreigners in China on the same footing; but she cannot allow those Treaties to be wrested to mean something which is essentially unfair to the Chinese people, nor, in attempting to adjust national resources to national wants, can she assent to any interference with her sovereignty as an independent state. What the treaties aim at is the maintenance of peaceful relations, and it will be found that nothing contributes to this end more powerfully than a due recognition by either State of the independence and sovereignty of the other.

Your Excellency will go in person to the Foreign Office and read this despatch to the Minister of Foreign Affairs, and, if requested, leave a copy.

March, 1878.

A masterly, reasonable and well reasoned document in the preparation of which Sir Robert Hart probably had a considerable part

APPENDIX II

Proposals for the better Regulation of Commercial Relations; being a Memorandum called for by the Tsungli Yamên (Board of Foreign Affairs, China), and drawn up by the Inspector General of Customs, Peking, January 23, 1876.

I.—INSPECTOR GENERAL'S DESPATCH.

The Inspector General of Customs to their Excellencies His Imperial Highness the Prince of Kung and the Ministers of the Tsungli Yamên (Board of Foreign Affairs), Peking.

Inspectorate General of Imperial Maritime Customs, Peking, January 23, 1876.

1. The Undersigned has the honour to acknowledge the receipt of the Yamên's despatch of October 6, 1875:—

[Despatch quoted in full.]

2. The Undersigned would observe that to attempt the better regulation of all matters connected with the taxation of the commodities which pass through the

ports open to trade is in point of fact to essay the better regulation of commercial relations,—that commercial relations of necessity bring in their train questions concerning person and property requiring judicial decisions for their settlement,—and that the various arrangements which thus come to be called for commercially and judicially necessitate governmental or administrative action in various directions. In giving effect to the Yamên's instructions the Undersigned has accordingly arranged his proposals under three general headings, viz. Commercial, Judicial, and Administrative, prefaced and supplemented by introductory and concluding remarks; and the plan adopted in the treatment of the subject has been to state the more salient features of existing arrangements with the complaints they have called forth from both native and foreigner, and then, guided by those complaints and their causes, submit such suggestions as are thought likely on the one hand to put a stop to the complaints that have hitherto existed, and seem calculated on the other to secure for both native and foreigner the rights, privileges, and advantages to which they are entitled respectively.

3. As for commercial requirements—the principle running through past and present arrangements is one which distinguishes between persons and not between things, and the natural result is a jealous and angry feeling on all sides; the commercial proposals now submitted make no distinction of persons, but are based on distinctions in things; they place both foreigner and native on the same footing and make it impossible for either to say that the other possesses an unfair advantage. As for judicial requirements—the principle running through the arrangements that have come down

to us from the past is again found to be one which gives prominence to distinctions in persons and not in things, and no procedure is established for the joint action which ought to have place where both foreigners and natives are concerned; the judicial proposals now submitted not only provide for procedure but recommend a common code for mixed cases. As for the governmental or administrative action that the management of commercial relations and settlement of judicial business call for—the most striking feature of past and present arrangements has been that they appear to have provided for only one, instead of for both parties, and that they have been devised with so little reference to reciprocity, that to regard them with entire approval is an impossibility; the administrative suggestions now submitted give prominence to reciprocity and advocate the introduction of such arrangements as shall be fair to both parties, and satisfy all alike.

4. The "Memorandum of Proposals" is now submitted, inclosed. If allowed to be given a trial to, its recommendations will be found to be of a nature that can be safely undertaken by the locality and be given full effect to by the Customs, and, at once securing what is useful and guarding against what is harmful, will be attended with no small benefit to general interests.

(Signed) ROBERT HART,
Inspector General of
Imperial Maritime Customs.

Inclosure.

Inspector General's Proposals.

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I.—Introductory.

§ 1. A necessity having arisen for the introduction of arrangements for the better regulation of commercial relations, the Chinese Foreign Office issued the following instructions to the address of the Inspector General of Customs:—

(Translation.)

The Tsungli Yamên (Board of Foreign Affairs) issues instructions to Mr. Hart, Inspector General of Customs.

With reference to the proposed adjustment of the Maritime Revenue and Likin Taxation at the Treaty ports, the Yamên conferred verbally with the Inspector General on the 23rd day of the 8th month (22nd September) as to the principles on which such adjustment should proceed; and on the 5th day of the present month (3rd October), a Memorandum on the points to be considered was handed to the Inspector General (copy inclosed). He is now again directed to consider the subject carefully in all its bearings, guided by the Conference and the Memorandum aforesaid: he must bear in mind how all-important it is that his proposals should be advantageous and not harmful to China,—that they should be capable of being easily worked and effectively carried out at the Custom-houses and barriers and by the local authorities,—and that they should also be such as would not be likely to cause complications or present difficulties hereafter.

The Inspector General is in the first instance to embody his proposals in a Memorandum to be sub-

mitted to the Yamên, on which action will be taken without delay.

Kuang Hsü, 1st year, 9th moon, 8th day (6th October, 1875).

Inclosure.

I. It is suggested that China may continue to levy Likin taxes provided she consents to open more ports to foreign trade. Should this be formally assented to, could all the Treaty Powers be induced to acquiesce in such an arrangement and accept its conditions?

II. For example, with regard to foreign goods—it s proposed that both import and transit duties shall be paid together on importation. In the various Treaties, however, the stipulations on this point are not identical; while in some it is provided that there shall be only one payment, in others it is left optional either to make one payment, or to pay by instalments when passing the barriers. Would it be possible to obtain the consent of all the Treaty Powers to the adoption of one rule which would ensure an uniform procedure at every Custom-house? Besides, in some of the Treaties it is directly laid down that regulations agreed to by one Power are not binding on other Powers. How is this to be got over? Should there be diversity on either of these points, it will be impossible for the Chinese Custom-houses and barriers to make the necessary distinctions.

III. Again, as for the proposition to open additional ports to foreign trade in consideration of the Likin taxes being retained—once it is decided that a certain port shall be opened, other Powers, who will not agree to the Likin taxation, will nevertheless claim access to the port under the "favoured-nation" clause. Moreover, if the opening of new ports be conceded now, how could China assent

to the demands other Powers (at a future time, or at the time of Treaty revision) might make for the opening of more ports? Before, when the question of adding to the Treaty ports was discussed at the revision of the (British) Treaty, the plan adopted was that one port should be given in exchange for another. But if, in future, it is proposed to go on opening ports indefinitely, not only is China without an unlimited number of ports to open, but there would be no ports to exchange.

The Yamên, in intrusting the consideration of this subject to the Inspector General, has only, in conclusion, to impress on him that his proposals must involve no injury to China, and that they must be such as can be easily worked and effectively carried out at the Custom-houses and barriers, and also be susceptible of a satisfactory explanation to any one who may discuss them. If this is not done, not only will no advantage be derived, but those who are willing to carry them out will not be able to do so; and, rather than break faith through failure in performance, it would be better to arrange to deal with foreign goods and opium in accordance with existing Treaty regulations, and carry out the former proposals of adjusting the Likin taxes in such a way as to secure their exemption.

Moreover, if the Chinese public again discuss the question of transit duty and the general levies on ships, pulse, etc., the withdrawal of prohibitions must be capable of satisfactory explanation, and the Yamên must not find itself without effective arguments against objections.

However, of all the above considerations, what must be sought for as of the most importance is a scheme capable of being effectively worked. Accordingly, the Inspector General is asked to draw up a Memorandum

on these points for the Yamên's consideration — a Memorandum whose proposals shall be advantageous and not harmful; otherwise time will be wasted in idle discussions, without ever obtaining practical results.

October 6, 1875.

The discussions which preceded and accompanied the issue of these instructions need not be specially or separately dwelt on: in one connection or another all the points raised will be adverted to in the following paragraphs, but they will be treated of as part of the general question, and not as having formerly come up on such and such occasions. Besides, the dates fixed for Treaty revision have already arrived for some, and will soon be arriving for the other Treaty Powers, and it is accordingly thought better to deal with the subject as affecting, and affected by, all.

The instructions call for such proposals for the better regulation of commercial relations as shall be—

(1.) Suited to the locality;

(2.) Feasible for the Customs; and—

(3.) Acceptable to all the Treaty Powers.

The difficulty of drawing up proposals that shall at once meet all these conditions is apparent, but the wisdom of imposing such conditions cannot be questioned. If not suited to the locality in which they are to be operative, new rules will but cause fresh troubles; if not feasible for the Customs, new rules will but elicit new complaints; if not acceptable to all the Treaty Powers, new rules will not only result in a greater divergence from uniformity, but, applied where inoperative and withheld where operative, will prove self-destructive,

engendering endless confusion, and causing reclamations on all sides, as well from those who were, as from those who were not, parties to them.

The Yamên's instructions make special reference to revenue and taxation, but what is really wanted is a set of proposals for the better regulation of commercial relations generally; and what is to be effected by this better regulation of commercial relations is, on the one hand, the removal of whatever is injurious to the rightful interests of foreign trade; and, on the other, the suppression of such abuses as affect native trade and native revenue unfairly. It is, in short, desired to eradicate every cause of complaint, and place commercial relations generally on such a footing that they, at least, and the kind of intercourse they necessitate, shall occasion no unpleasantness between the Treaty Powers and China.

§ 2. In order to prepare the way for the proposals to be now submitted, it is necessary to indicate some of the more striking features of existing arrangements, describe the complaints they have called forth, and state the requirements of both foreigner and native. This is all the more necessary, inasmuch as, in order that proposals shall meet the conditions formulated in the Yamên's instructions, the matter of any proposal must first bear to be tested from the standpoints furnished by two sets of circumstances, viz.:—

(1.) Circumstances that are likely to induce China or Treaty Powers to accept or reject any proposal when suggested; and—

(2.) Circumstances that are likely to further or impede the working of any proposal when adopted.

§ 3. It is trade that brings foreigners to China, and it is for the protection and extension of trade that

Treaties have been made. The trade of the day may be described thus: it gives freight to about 10,000,000 tons of foreign shipping annually; imports may be valued at £28,000,000, and exports at £27,000,000; the revenue accruing to China is £4,000,000; 340 foreign firms are engaged in business, and about 3,500 foreigners are resident at the open ports. Of the trade, 70 per cent. is English, 10 per cent. American, and the remaining 20 per cent. is made up by France, Germany, and the ten other Treaty Powers.

The more striking features of the Treaties may be said to be as follows:—At this date there are fourteen ports open to foreign trade; but as yet there is no authoritative definition of the word "port," and port limits are nowhere marked out. Foreigners are allowed to settle at the ports and travel in the interior, but are not to reside or rent hongs inland. Merchandise on arrival at a port pays import duty, and on departure export duty, according to a tariff intended to lay a charge of 5 per cent. *ad valorem* on all commodities; but after payment of import duty and before payment of export duty, imports and exports are subjected to other taxation; further, merchandise of foreign origin may be taken inland, and native produce for foreign export brought from the interior, free from other charges on payment of a transit due equal to half the Tariff duty (2½ per cent.), or, if it be not elected to pay the transit due, on payment of ordinary local charges; but the transit rule is held by China to cover imports only from port to place, and produce only when intended for foreign export. Unsaleable goods re-exported are entitled to drawbacks; but China limits the time within which drawbacks may be claimed. Where foreigners alone are concerned, all questions of life and property

are arranged by their own officials, the Consuls, and where both natives and foreigners are concerned, native and foreign officials may act in communication; but such conjoint action is left to chance, and no fixed procedure has been laid down for the guidance of either side. Consular officers are stationed at the ports and Ministers are resident at Peking; but the ministerial position at Peking is not accorded those privileges which are its rights in other capitals. Finally, one of the results is, that, as the Treaties provide one kind of treatment for the foreigner, and the laws another for the native, occasions are constantly presenting themselves, on which it is to the foreigner's advantage to be treated like a native, and to the native's advantage to be treated like a foreigner.

Such are some of the salient features of existing arrangements, and among them the most remarkable are the exterritorial articles. The foreigner's foreknowledge of his own requirements dictated the stipulations the Treaties contain, and the native's awakening consciousness of his international status, and of the effect of Treaties upon his domestic condition, has ever since made him anxious to shape their working. It is not to be wondered at that the foreigner should have sought for and secured exterritorial privileges, and just as little is it to be wondered at that the creation of such privileges should have led China to view foreign intercourse from a standpoint which very few foreigners as yet realize.

§ 4. If it is asked what more the foreigner wants in China, seeing that he has all that the preceding paragraph enumerates, the reply is, that on the foreign side the end now sought for is freedom for every kind of trading or industrial operation, and with that freedom

is claimed ample protection for all concomitant rights. Resolve this generalization into its components, and it means that the foreigner wants unrestricted access to whatever place interest suggests; taxation according to a fair, fixed, and uniform Tariff; improved means of locomotion and transit; right to use all appliances suited for the development of local resources and new industries; and foreign, as distinguished from Chinese, treatment for person and property.

On the Chinese side, the object hitherto and still kept in view has been, and is, self-preservation; change is not welcome—change is always suspected and subjected to counteracting influences on every side—change is only recognized as a native growth when it takes root and spreads imperceptibly and healthily among the people of a locality—change is rarely accepted on foreign suggestion except when imposed by foreign force.

Thus, foreign and native aims—the one progressive and the other conservative—are at once seen to be of such a kind that the foreigner must be content to wait with patience for native developments if he is to gain his end peaceably, and the native must acquire an enlightenment of a kind yet little known in China, if he is to move forwards of himself towards, and finally acquiesce in, the same result. As for this Chinese desire to keep change at a distance, the impossibilities of such a programme are gradually becoming more generally known and acknowledged.

§ 5. While following up his own aims in China, the foreigner carries with him one striking peculiarity—exterritoriality. He comes to China for gain, but he first of all wants what he considers security; he has thus got almost complete exterritoriality, and to it he

seeks to add almost as complete liberty of action. But, whatever the demands of commerce may be, home Governments cannot but admit that there are here and there restrictions in themselves proper to be enforced.

When China acquiesced in various Treaty stipulations, it never occurred to her that what she was conceding was what goes to constitute what is now termed exterritoriality. The stipulations gradually showed their shape, and what they concede, and how such concessions operate on the country that grants them, are now increasingly understood in China. Such an arrangement may, of course, save China the trouble of settling inter-foreign disputes; but its advantages in this direction have not been found to compensate for what is felt to have been thereby lost in governmental tone.

Accordingly, when the foreigner seeks for extension of intercourse and greater freedom generally, and couples with the request for this the demand that he shall remain on the same footing, *i.e.*, exterritorialized, friendly negotiation has difficulties to encounter that were unknown to first-comers who dictated Treaties.

In view of the fact that exterritorial stipulations do exist and are really operative, it is evident that any proposals which do not make adequate provision for the security of life and property will not be acceptable to the Treaty Powers, and in view of the fact that, whatever they may contain of what is expedient and useful, exterritorial stipulations do contain a something that the Government concerned must sooner or later take exception to, it is equally evident that any proposals which ignore what China feels and says on the subject

of existing arrangements will similarly be unacceptable to China.

Accordingly, in reviewing the commercial side of intercourse, it becomes necessary to consider also what Commercial Treaties have done by way of giving a peculiar status to the foreigner, and for the settlement of questions to which he is a party.

§ 6. China recognizes the fact that the foreigner differs from the native in countless ways, and that special arrangements are necessary for his affairs ; China is as ready to acknowledge this as the foreigner, seeing how different are natives from foreigners, is to demand special treatment ; and, taking it for granted that on both sides there is a sincere desire for friendly relations, it ought not to be impossible to find a common mean. But to really find this, it is the facts of the day, and not the legislation of a former period, that must be given prominence.

Foreigners not being at all likely to surrender what may be called defensive exterritoriality, and China not being at all likely to invite foreign suggestions, or willingly assent to foreign demands, while what may be called aggressive exterritoriality is maintained, the proposals the Yamên's instructions call for—if they are to have any practical value—must put forward considerations that are calculated—

(1.) To convince the Treaty Powers that the limitations of any stipulation afford sufficient margin for the exercise of the rights it guarantees ;

(2.) To induce China to see that the concession is not unlimited ; and,

(3.) To promise an improvement on the regulations and procedure now existing.

§ 7. What, then, is the foreign complaint that has

resulted in the issue of the instructions now received?

Taken at its widest, the foreign complaint is that China does not let foreigners do in China, *plus* exterritoriality, what they suppose they would be allowed to do at home. Foreigners cannot establish themselves at pleasure in the interior; cannot open mines; cannot make railways; Chinese themselves are not allowed to introduce foreign appliances; foreign goods are taxed at the Treaty ports where, having paid import duty, they ought to be free, and, after next paying transit dues and thus purchasing (it is said) the right to future exemption, are again taxed in the interior times without end. Foreign claims, whether against defaulting traders or Treaty-violating mandarins, are always trifled with and never satisfied; foreigners are insulted, assaulted, killed, and redress is either not obtainable, or is of such a kind and so tardily granted as to only aggravate the original offence, etc., etc., etc.

Viewed as to their origin and nature such complaints or causes of complaint may be arranged under three general heads:—

(1.) Commercial, or Treaty rights withheld and interfered with;

(2.) Judicial, or litigation unsatisfactory and rarely successful; and,

(3.) Administrative, or suggestions for progress not adopted.

Under these heads, and in the same order, will now be found some remarks on each class of complaints, followed by the proposals the Yamên's instructions call for.

II.—Commercial.

§ 8. When we examine what the foreigner says about intercourse from the commercial point of view, it is found that Treaty provisions are spoken of as not having full effect given to them; and the complaint is that Treaty rights are here withheld and there interfered with. It will be convenient to look into these complaints under two headings:—

(1.) Port complaints; and,

(2.) Inland complaints.

But it is throughout to be remembered that foreign complaints of rights withheld are accompanied on the other side by Chinese counter-charges of privileges abused.

§ 9. Under the first heading, port complaints, foreigners allege—

(1.) That their import business is checked by the heavy taxes levied on foreign goods at the ports in the form of Likin and other charges, after and in addition to the payment of import duty; and,

(2.) That their export business is in turn hampered because they are called on to prove payment of inland taxes, or pay transit dues in default of proof, on native produce purchased at the ports.

§ 10. As regards import business, it is beyond dispute that Likin and other taxes are levied on imports at the ports; at Shanghai, Amoy, Foochow, and latterly at Tientsin, such charges have been notoriously heavy.

On the one hand China maintains that no special areas are included in what are called Treaty ports, that no stipulations have been made as to what is not to be done at Treaty ports; that the Government has as much right to levy such additional taxes at the ports

themselves as it has to levy them on duty-paid imports at any place in the interior ; and that there is no reason why people should be exempted from such charges at the ports any more than inland.

There are various considerations to be urged in support of the position thus taken up.

On the other hand the foreigner holds that his payment of import duty ought to admit his goods into circulation at the "port" without further charge ; that the wording of the Tariff rules, which interpret the transit privilege and fix the transit procedure by making transit dues leviable only when a commodity is passing the first barrier on its way inland, not only constitutes that barrier the dividing line between port and interior, but implies that, till that line is crossed, goods are of course not to be called on to pay additional charges, and thus postulates his right to port exemption ; and that, as for charges paid by people at the ports compared with those paid by people in the interior, in the natural order of circumstances, increased distance from the place of production entails additional charges and enhanced value. Here, again, there are many considerations to be urged in favour of the foreigner's views.

The one thing that there is no doubt about is that heavy Likin charges do exist and do obstruct the growth of import business. At the same time, when the foreigner goes on to say that, if these heavy port charges are abandoned, import trade will increase and import duties make up for lost Likin, China replies that, be that as it may in the abstract, if Likin is not collected now, inland tranquillity, so essential to the continuance of even the trade of to-day, cannot with certainty be maintained.

Again, when the foreigner complains that his opium

business is harassed and interfered with by the surveillance exercised and arrests made at his very door by the Likin officers and spies, the Chinese retort that it is necessary to act thus, seeing that the native smuggler has always the sympathy and aid of the foreign trader.

It is thus at once evident that each party owes full consideration to the statements of the other, and that the conflict of rights and interests on both sides can only be arranged by mutual concessions.

§ 11. As regards export business, the Chinese demand for transit dues where proof of payment of inland taxes on native produce purchased at a port is not forthcoming, has its pros and cons also.

On the Chinese side, it is urged that the Tariff rule supports the demand: "Permission to export produce which cannot be proved to have paid its transit dues will be refused by the Customs until the transit dues shall have been paid,"—and it is argued that, even without this express rule, the demand is in itself reasonable.

On the foreign side, it is replied that the words quoted have special reference to produce brought from the interior under transit passes, and do not apply to produce generally, and that it is not fair to demand such proof from an exporter of produce; for how can he adduce it, seeing that his total shipment has been bought piecemeal on twenty or thirty different occasions from forty or fifty different middlemen, who in turn had purchased in small lots from producers, which producers had brought their produce to the market at different times, by different routes, and had paid transit dues or inland taxes at various barriers and offices?

Thus each has a something with which to support his claim, and here again it is consideration for each other's

views and mutual concession that will affect most. The Chinese Government has a fair right to protect itself against loss of inland revenue as the result of the transit privilege it has conceded, and the foreigner has as fair a claim to be freed from a burthen which ought not to be put on him.

§ 12. Under the second heading, "Inland Complaints," the foreigner alleges:—

(1.) That transit certificates are not respected *en route;*

(2.) That after arrival at their destination, transit-paid imports are again subjected to local taxation;

(3.) That foreign goods in the interior are either differentially or prohibitorily taxed; and

(4.) That, by means of various charges collected from producers, the transit privilege for native produce brought from the interior for foreign export is completely neutralized.

In reply, China urges the necessity for raising funds, a necessity which exists and operates in China just as in other States, and the difficulty of preventing mistakes along routes that are only recovering tranquillity after a long period of rebellion. Further, pointing to the abuse of transit privileges by foreigners, China maintains that transit certificates merely protect from taxation *en route*, *i.e.*, from port to place inwards and from place to port outwards, and contends that, away from the transit certificate, all goods on Chinese ground are simply Chinese goods, whatever their first origin; the payment of transit dues does not entitle native produce to receive back what it had previously paid by way of local taxes, nor does a similar payment in the case of foreign merchandise free it for ever after from all further taxation.

That the case is as the foreigner complains cannot be wholly denied ; as little, or less, can it be said that there is no force in what China puts forward in reply. But even admitting that the occurrences foreigners object to have been sufficiently numerous to warrant remonstrance, it must be pointed out that while, on the whole, very few instances of refusal to respect transit documents have been actually adduced, the majority of the few known cases have really been cases in which either transit documents were being used for goods they ought not to cover, or non-transit-paid goods were travelling in company and mixed up with transit-paid goods—in a word, in the majority of known cases there has been quite sufficient reason for supposing that the transit privilege was being abused. The transit system has existed some fifteen years ; tens of thousands of certificates have been issued, and not twenty cases in all have been instanced in which the certificates are known to have actually failed to do what they were intended to accomplish, a fact which, notwithstanding what the one party says about interference with, and the other about abuse of, the transit privilege, on the whole, speaks well both for the system and themselves.

At the same time, seeing that complaints do exist—complaints, on the one side, of a transit right not respected, and on the other, of a transit privilege abused—not only would it be well to have an authoritative declaration of the intention and scope of the transit stipulation, but advantage ought to be taken of the opportunity to reconsider the general question, and introduce any improvements likely to help the satisfactory working of the very important rules which provide for access to both inland marts and producing districts.

§ 13. But while thus much is said about foreign complaints concerning Treaty rights withheld or interfered with at the ports and in the interior, it must not be forgotten that China has also put forward counter-charges, and that this review of the conditions subject to which the proposals called for must be made, would be incomplete were Chinese complaints neither indicated nor examined.

§ 14. Thus, at the ports, China complains—

(1.) That foreigners act as consignees for Chinese-owned, foreign-bottom-brought goods, to enable those goods to evade the local charges payable on native-bottom-brought goods of the same description, and that they thereby defraud the revenue and place Chinese trading in their own names at a disadvantage.

The foreigner replies that, (1), the flag covers the goods, and that what is entered under one Tariff—the foreign—is not liable under the other—the native ; and besides argues, (2), that having already paid import duty according to the foreign Tariff, it is unfair to the goods, and harmful to the interests of foreign shipping, to let them be taxed further. Both clauses of the reply have something in them ; but so has the complaint ; moreover, it must be allowed, that, whatever else Treaties and intercourse aim at doing, it is not intended or desirable that their provisions and conditions should be wrested to injure Chinese revenue. The matter is clearly one that ought to be attended to, and arranged for.

(2.) That foreigners convoy opium for Chinese, to prevent the collection of Likin.

The preceding remarks apply to this also, but it may be added that this practice of convoying opium is not only less justifiable than the act of appearing as

consignee of Chinese-owned Chinese goods, but, if carried to a certain point, becomes criminal, and exposes the person concerned to the greatest personal risk.

(3.) That foreigners make it part of their port business to sell their names and transit documents to Chinese to cover produce brought from the interior, but neither intended for foreign export nor in any way the property of foreigners.

This complaint is connected with those that follow under the heading of Chinese Inland complaints.

§ 15. While it is thus at the ports, it is complained inland—

(4.) That foreigners bring down produce from the interior for Chinese, and that, as such produce is not intended for foreign export, and does not concern foreign trade, goods are thus brought under the transit rule which ought not and were not intended, to have the benefit of it, not only causing loss to local and special revenue, but creating for one man's goods unfair advantages over those of other men.

This complaint is believed to be founded on fact, and the proceeding is, beyond question, an abuse. Its rectification would form part of any authoritative declaration of the scope of the transit rules.

(5.) That foreigners purchase produce inland, and, after passing it "in transit" at various barriers without payment of taxes, sell it in the interior, thus escaping both local tax and port transit due, causing loss to revenue, and competing unfairly with native traders.

It is doubtful whether there have been many instances of such inland trading, but it is not an impossibility, and, in any re-arrangement of the general question, the rectification of this possible abuse ought not to be overlooked.

(6.) That foreigners engaged in a lawful transit business engage at the same time in an illegal inland trade, alongside of, and covered by the lawful trade, *e.g.*, by both buying and selling produce in the interior, and by carrying goods not entered for transit in company with goods covered by transit documents.

This charge may or may not be well founded; in any case, the complaint needs to be kept in mind.

(7.) That foreigners defy the officials at the inland barriers and refuse to submit to examination.

If this occurs the foreigner is clearly doing wrong, but to permit it to occur is the fault of the barrier officials. Such complaints were often heard some years ago, but latterly no instance has come under notice.

§ 16. It will be seen that both foreign and native complaints at the ports and in the interior are not chance growths, but the necessary products of a system and its rules. Commercial intercourse may be said to mean, first of all, exchange of products; thus commercial intercourse between China and not-China would mean exchange of China's for not-China's products. But commercial intercourse between China and not-China under the Treaties covers something more; it means not merely exchange of China's for not-China's products, but goes further and authorizes not-China to engage in China's internal trade—in the exchange of the products of any one part for those of any other part of China. It does not even stop here—it goes still further; it means that not-China shall engage in China's internal trade, not in accordance with China's regulations and tariffs for native traders and inland budgets, but in accordance with a novel system devised for not-China's advantage as a foreign trader, and a tariff and regulations originally intended for foreign

and not native trade. The foreign tariff and its attendant rules may be unobjectionable as long as their operation is restricted to commercial intercourse in its first signification; but, set up in competition with a native system and applied to internal or domestic trade, they have created a serious derangement in China's affairs. At every point they favour the enterprise of the native who breaks native laws, and while they thus act injuriously on honest Chinese traders, they also create difficulties for and make enemies of the officials who administer native laws; at some points they even restrict the foreigners' own operations. The result has been harmful to native merchants and native revenue, and the sense of this has again resulted in opposition to the extension of foreign intercourse and interference with the rights of foreign commercial intercourse properly so called. Most if not all of the complaints are to be traced directly or indirectly to the contemporaneous existence of two systems—a foreign tariff and a native tariff—side by side, and until this is changed complaints must continue to be uttered.

§ 17. What precedes in a word amounts to this: the foreigner complains that China violates his Treaty rights. China complains that the foreigner abuses his Treaty privileges. New rules ought, therefore, to aim at doing two things: they ought to reduce China's temptation to violate the foreigner's Treaty right to a minimum and make the abuse of Treaty privileges an impossibility for the foreigner, and they must neither create new burthens nor rescind existing privileges. These ends can only be secured when each party is really desirous of a fair and satisfactory settlement, and ready to concede to what the other urges all the consideration the circumstances merit.

The commercial proposals will now be submitted in four alternative sets.

§ 18. *Commercial Proposals: First Set.*—Seeing that foreign commerce is really interested in but a few of the hundreds of classes of articles that reach and leave Chinese ports, and in order, on the one hand, to secure for these few classes the fullest possible benefit of the widest interpretation of the Treaty rights held by some to already exist, *i.e.*, freedom from all taxation on payment of a fixed tariff duty, and, on the other, to secure for China the greatest possible exemption from any abuse of Treaty privileges in respect of all other goods, *i.e.*, no right to exemption from necessary local taxation, it is proposed:—

Imports.

(1.) That, on the one hand, the Treaty Powers shall consent that the following imports, say, cottons, woollens, metals, and sugar, shall pay import duty and transit due simultaneously to the Maritime Customs on arrival at a Treaty port; and that, on the other, China shall consent that the said goods shall be for ever after in all parts of China, whenever, wherever, and with whomsoever found, free from every kind of local, territorial, or special tax.

(2.) That, on the one hand, the Treaty Powers shall consent that opium shall pay an import duty of 120 taels per picul to the Maritime Customs on arrival at a Treaty port, and that away from the port, *i.e.*, at a distance of thirty li from the Custom-house, it shall be regarded as a Chinese commodity, and be subject to local, territorial, and special taxation, whenever, wherever, and with whomsoever found; and that, on the other,

China shall consent that no other charge shall be levied at the port.

(3.) That, on the one hand, China shall consent that all other imports shall be freed from payment of import duty and transit due to the Maritime Customs on arrival at Treaty ports; and that, on the other, the Treaty Powers shall consent that all such goods shall be dealt with after landing—but not in connection with landing—by the local territorial authorities in accordance with local regulations.

(4.) That, on the one hand, China shall consent that at distributing ports having a direct foreign import trade, such as Shanghai, the duty-paying imports above named may be entered as "in transit for other ports," and, a bond being given by the original importer, be freed from payment of import duty and transit due for a period of * * * months or till arrival at another port; and that, on the other, the Treaty Powers shall consent that three years after arrival re-exports shall not be entitled to "drawbacks."

Exports.

(5.) That, on the one hand, China shall consent that the following exports—the staples of foreign trade outwards—say, tea, silk, sugar, and cotton, shall be exempt, whenever, wherever, and with whomsoever found, from every kind of local, territorial, or special tax in every part of China; and that, on the other, the Treaty Powers shall consent that the said goods shall pay export duty and transit due simultaneously to the Maritime Customs on shipment at a Treaty port.

(6.) That, on the one hand, China shall consent that all other exports on shipment at Treaty ports shall be freed from the payment of export duty and transit due

to the Maritime Customs; and that, on the other, the Treaty Powers shall consent that all such goods shall be dealt with in every part of China—but not in connection with shipment—by the local territorial officials in accordance with local regulations.

Transit.

(7.) That, on the one hand, China shall consent that foreigners and natives may alike take, send, buy and sell cottons, woollens, metals and sugar inland, without being anywhere or at any time subject to any tax or charge whatever; and that, on the other, the Treaty Powers shall consent that foreigners or natives who may take, send, buy or sell other goods inland may alike do so, but without exemption from any local, territorial, or special tax or impost.

(8.) That, on the one hand, China shall consent that foreigners and natives may alike bring, send, buy or sell tea, silk, sugar, or cotton from, to, or at inland places, without being anywhere or at any time subject to any charge whatever; and that, on the other, the Treaty Powers shall consent that foreigners or natives who bring or send, buy or sell, other Chinese produce from or to or in the interior may alike do so, but without exemption from any local, territorial, or special tax or impost.

(9.) That all transit documents being thus done away with, aliens must carry with them the prescribed passport when travelling in the interior.

Treaty Ports.

(10.) That in return for this general re-arrangement of the commercial question, China shall consent to open new ports to foreign trade—say, Chungk'ing, Ichang, Nganking, Wuhu, Wênchow, etc.

Revision.

(11.) That in return for this general re-arrangement of the commercial question, the Treaty Powers shall consent that every fifth year there shall be revision of the Commercial Regulations and Tariff, when the list of duty-paying goods, rates of duty, differences of rate resulting from differences in measurement and quality, etc., shall be reconsidered; the revised rules, etc., to come into operation the following year.

§ 19. *Commercial Proposals: Second Set.*—Supposing that the first set is negatived, and seeing that complaints have their origin, on the one hand, in want of clearness in the Treaties, and, on the other, in difference of rules for natives and foreigners,—seeing, besides, that, in point of want of clearness, the chief defect in the Treaties is in the provisions respecting merchandise that has paid duties or transit dues, and that the chief evil resulting from difference of rules is the impossibility of uniformity, it is proposed :—

(1.) That imports of foreign origin, after payment of import duty, shall be free from every kind of tax at the port, and shall not be again taxable till, when crossing the line that divides port from interior, transit dues are leviable: a Mixed Commission to sit at each port to determine the port area and fix the boundary line.

(2.) That imports entering the interior may do so with or without transit papers: if without transit papers, they are to be liable for all local taxes, no matter in whose hands, and if carrying transit papers, which natives and foreigners may alike procure on payment of the Treaty transit due, they shall be free, no matter in whose hands, from all taxation both *en route* from the port and on arrival at the place. On sale at the place of destination,

or on departure from it, the transit papers are to be given up, and the goods, no longer protected by the certificate, are to be held liable for all future local taxes, no matter in whose hands, like all other non-transit-paid goods; but such goods are not to be differentially taxed or in any way called on to make up for charges escaped while travelling under the protection of transit papers.

(3.) That native produce from the interior may be brought down by natives and foreigners alike under transit papers—or, if those concerned so desire, without transit papers and like all other Chinese goods, *i.e.* without exemption from any local tax. If brought down under transit papers and exempted from local taxation, such produce, on arrival, must be entered at the Maritime Customs as "in transit." When subsequently shipped to a foreign country, it shall pay export duty and transit due; if shipped to another Treaty port, it shall pay export duty and an inland due equal to the export duty; if not shipped to foreign or Treaty port within * * * months from arrival, the person who registered the produce as "in transit" shall pay an inland due equal to twice the export duty.

(4.) That foreign imports, whether with or without transit papers, may be disposed of *en route*, but native produce once entered for transit, and travelling under transit papers, may not be disposed of inland, but must be brought to the Treaty port, failing which the merchant concerned will be required to pay a fine of * * * taels. Where transit-paid and non-transit-paid goods travel in company, the merchants concerned must hand lists of their goods to the barriers met with; if any non-transit-paid goods are found travelling with transit-paid goods and are not reported by the merchant,

all the goods, whether transit-paid or not, will be confiscated.

(5.) That re-exports shall not be entitled to drawbacks unless re-exported within three years from first arrival.

(6.) That there shall be a revision of the Tariff and Tariff Rules every fifth year, and that the revised Tariff and Rules shall come into operation the following year.

§ 20. *Commercial Proposals: Third Set.*—Supposing neither first nor second set to be accepted, and supposing that the meaning of the Treaty really is, that, after payment of import duties, foreign goods, alike at the port and in the interior, are taxable like all Chinese goods, and are only to be exempted from taxes while travelling from a port to a place accompanied by transit papers, it is proposed :—

(1.) That it shall be authoritatively stated that, whether owned by natives or foreigners, imports of foreign origin may be taken inland under transit papers from port to place by Chinese as well as foreigners, and that the transit papers are to be surrendered on arrival at the place, and the goods thereafter regarded as Chinese goods, liable for all charges, no matter in whose hands.

(2.) That when produce is brought from the interior under transit papers, the bringer shall deposit a promissory note for the value of the produce with the Customs, and that, in the event of the produce being exported to a foreign port within * * * months from arrival, the promissory note shall be cancelled; failing this, the promissory note shall be presented and enforced.

(3.) That foreign imports, whether with or without transit papers, may be disposed of *en route*, but native

produce once entered for transit and travelling under transit papers, may not be disposed of inland, but must be brought to the Treaty port, failing which the merchant concerned will be required to pay a fine of * * * taels. Where transit-paid and non-transit-paid goods travel in company, the merchants concerned must hand lists of their goods to the barriers met with; if any non-transit-paid goods are found travelling with transit-paid goods and are not reported by the merchant, all the goods, whether transit-paid or not, will be confiscated.

(4.) That re-exports shall not be entitled to drawbacks unless re-exported within three years from first arrival.

(5.) That there shall be a revision of the Tariff and Tariff Rules every fifth year, and that the revised Tariff and Rules shall come into operation the following year.

§ 21. *Commercial Proposals: Fourth Set.*—The first set comprises the proposals thought most likely to be really useful to both foreigner and native; the second set follows the more liberal interpretation of the Treaty; the third follows the less liberal interpretation. Supposing all three sets to be thrown out, a starting-point must be elsewhere sought. It is therefore proposed:—

(1.) That, if officials have no satisfactory propositions to make, the merchants themselves, with whom the demand for a rearrangement originated, be called upon to propose the rules they wish to be bound by within the limits of existing Treaties.

§ 22. The remarks that precede the proposals, §§ 8 to 17, will have prepared the reader to understand the object aimed at by each suggestion, and to see why and where the alternative sets differ from each other. In the

concluding remarks at the end of this Memorandum, §§ 45 to 50, will be found some observations on the advantages the various proposals, but more especially those of the first set, are thought to offer.

III.—JUDICIAL.

§ 23. The commercial provisions of the Treaties had naturally to be supplemented by judicial arrangements. The judicial stipulations are as follows :—

a. Questions between foreigners shall be subject to the jurisdiction of the foreign authorities.

b. Chinese guilty of criminal acts towards foreigners shall be punished by the Chinese authorities.

c. Foreigners committing a crime in China shall be punished by the foreign authorities.

d. Foreigners having a grievance against Chinese shall state it at the Consulate ; the Consul shall try to arrange it amicably, and, if he fails to do so, shall request the Chinese authorities to assist, that they may examine together and decide equitably.

e. Chinese having a grievance against foreigners may state it at the Consulate, and the Consul shall act as before.

f. In cases of incendiarism or robbery, the local authorities are to recover stolen property, suppress disorder, and punish the guilty.

g. If a foreign vessel is plundered the Chinese authorities are to arrest and punish the pirates, and recover the stolen property.

h. Chinese taking refuge at Hongkong are to be surrendered to Chinese authorities on official requisition and proof of guilt, and, at the ports, on requisition.

i. If Chinese debtors abscond, Chinese authorities

are to do their utmost to arrest and enforce payment. Foreign authorities to act similarly if foreign debtors abscond.

k. Chinese incurring debts at Hongkong, *i.e.*, out of China, the foreign Courts on the spot are to arrange. If Chinese debtors abscond and reach Chinese territory, the Chinese authorities, on Consular application, are to do their utmost to see justice done.

These stipulations are sufficiently numerous and sufficiently general in spirit and letter to provide for the majority of possible cases; but, nevertheless, even in judicial matters, the complaints on both sides are many and frequent. Premising that such complaints originate rather in difference of law, procedure, and penalty, than in any premeditated intention to neglect business or act unjustly, some of them will now be noticed under the headings of Person, Property, and Revenue.

§ 24. Where questions affecting Person have arisen, foreigners have complained that their Chinese assailants have not been arrested, or, if arrested, have either not been punished or have been insufficiently punished, or that the real criminals have been allowed to escape and other friendless wretches substituted, or that, where several ought to have been alike punished, only one has been dealt with, etc.

On the other hand, Chinese in turn complain that foreigners assault Chinese with impunity; that what China calls murder is invariably excused or made manslaughter by foreign Courts; that where Chinese law prescribes death the offending foreigner is sentenced to only a short imprisonment; and that, while the foreigner insists that Chinese shall be punished with death where foreign life has been lost, he, on his side, expects China

to accept a small sum of money in lieu of a death punishment where Chinese life is lost, etc.

The foreigner charges the Chinese official with accepting bribes, and urges that Chinese torture will make any innocent person admit that he is the guilty criminal ; similarly, the Chinese are not convinced that Consuls do not take bribes, and point out that the foreign mode of examining witnesses does not invariably elicit the whole truth, and that trial by jury does not always do justice. Moreover, while the foreigner protects the accused by throwing the onus of proof on the accusers, Chinese will not condemn or punish till the offender has himself confessed his guilt.

When these complaints are carefully looked into, it becomes evident that what gives common offence to both sides is not that crime is not considered crime, or that the laws do not provide punishments for crime, but that there is no common and uniform procedure.

§ 25. In the matter of questions affecting Property, complaints of much the same kind are to be heard.

The foreigner complains that the Chinese authorities are dilatory, shield their own people, refuse justice, etc. ; and the Chinese complains that the foreign officials fear to offend their own nationals, believe the foreign and reject the Chinese evidence, decide unfairly, etc.

More especially the Chinese feels aggrieved when he sees that a foreigner who has a claim against a Chinaman is never content till he has done his utmost to wring the whole amount from the family, friends, or securities of the debtor, while the Chinese who has a claim against a foreigner is required to accept a decision which makes the debtor a bankrupt, and gives the creditor either nothing at all or only so much per cent.

Moreover, Chinese complain that foreign plaints are

often Chinese plaints in disguise, and assert that the foreigner merely fathers them for a commission, the result being that, when the machinery of a Consular Court is set in operation, one Chinese is enabled to do injustice to another, and effectually screen himself behind the foreigner.

As with Personal cases, so too in cases affecting Property, the procedure of the one side does not satisfy the requirements of the other.

§ 26. When cases arising out of Revenue matters come up, the punishment provided for by the Treaties is confiscation or fine. The penalty of confiscation is prescribed when goods are discharged before permit to open hatches is issued, when goods are landed or shipped, after hatches are open, without permit, when goods are transhipped without permit, when fraud on the revenue is detected in goods for which drawbacks or exemption certificates are applied for, when vessels trade at non-Treaty-port places, etc.; and the penalty of a fine is prescribed when masters fail to report their ships within forty-eight hours, or open hatches without permission, etc. There is besides a special article of a general kind which says that when a vessel is concerned in smuggling, the goods, whatever their value or nature, shall be subject to confiscation by the Chinese authorities, and the ship may be prohibited from trading further and sent away as soon as her accounts are paid; and another article adds that all penalties enforced or confiscations made are to belong and be appropriated to the public service of the Government of China.

While the Treaties have thus enacted rules and prescribed penalties in connection with their commercial stipulations and in addition to their judicial provisions,

they have not established Courts to record or procedure to try this class of cases. To remedy this defect Joint Inquiry Rules were subsequently drawn up. These Rules make this distinction: that, whereas the Chinese Customs have presumably already seized and hold possession of the goods concerned in cases for which the penalty is confiscation, while in those cases in which the penalty is a fine, the individual concerned is a foreigner, and, as such, can only be got at through his Consul, it is a mutually fair arrangement, in cases of fine, to require China to prove in the foreign Court that the individual has done what deserves a fine, and in cases of confiscation, to require the parties interested to prove in the Chinese Court that their goods do not deserve to be confiscated. In the one case the Customs authority sits with the Consul in the Consular Court, and may appeal against the Consular decision, and in the other the Consul sits with the Customs authority in the Customs Court, and may appeal against the Customs decision. This procedure is fair to all parties; the open inquiry elicits all facts and gives full publicity, and the right to appeal is adequate protection against either injustice or harshness. The Joint Inquiry Rules may therefore be held to supply a want, and so far they seem to have worked fairly well.

But, nevertheless, complaints are still to be heard: the foreigner, for instance, complains that in cases of confiscation the Chinese Government is pecuniarily interested, and urges that it ought not to have the power of judging where it is itself so directly concerned, and, on the other hand, China complains that where the letter of the Treaty rule is clear and unmistakable, the foreign authority is continually urging that the spirit of it means something else, and invariably construes it

in a way adverse to the punishment stipulated to be inflicted.

These complaints exist, and the inference is that the matter requires consideration and authoritative adjustment. The Joint Inquiry Rules have established a fixed and intelligible procedure, but they have failed to silence complaints, and the procedure cannot yet be pronounced to be the best possible under the circumstances.

§ 27. The complaints to be heard on each hand concerning the way in which questions concerning person, property, and fines and confiscations for breaches of revenue laws, are judicially dealt with, all point in the same direction: a common procedure of a kind to silence the objections of both sides is still wanting. Considering that principle, procedure, and penalty all differ, it is no wonder that complaints are made; but seeing that there is no desire to be unjust, it is to be presumed that it will be possible to elaborate arrangements that will be accepted by, and be satisfactory to, both foreigner and native alike.

The Judicial Proposals will now be submitted: like the Commercial, they are drawn up in four alternative sets.

§ 28. *Judicial Proposals: First Set.*—Seeing that on both sides there were laws and punishments long before Treaties were thought of; seeing that the judicial stipulations of the Treaties fully prove that each wishes to act justly and give the other no cause of complaint; and seeing that the complaints that have originated may be traced to the want of a common procedure, and that therefore the establishment of a common procedure in cases affecting both foreigners and natives is the chief end to be aimed at, it is proposed:—

(1.) That disputes between foreigners, and in which Chinese are not concerned, shall continue to be heard and arranged by the foreign authorities.

(2.) That for the arrangement of all questions affecting person or property, etc., and which concern both foreigners and natives, a Common Code shall be drawn up.

(3.) That a Court shall be established at each Treaty port to administer the Common Code: that this Court shall be presided over by one of the expectant Taotais, to be appointed to that duty by the Governor of the province, and that there shall be associated with him a foreign co-Judge in Chinese pay: that in cases of importance there shall be two assessors, one to be named by the plaintiff and the other by the defendant: and that this Court shall be empowered to summon foreigners and natives alike to appear as witnesses.

(4.) That in addition to ordinary cases affecting person and property, all Customs cases involving confiscation of goods or fine for breach of regulations, shall be heard and settled by this Court.

(5.) That in cases involving not more than * * * dollars, or punishment not exceeding * * * imprisonment, the decision of this Court shall be final.

(6.) That in cases involving more than * * * dollars, or punishment of a more serious nature than * * * imprisonment, there may be appeal within * * * days to the Chief Superintendent of Trade.

(7.) That where the sentence of this Court is death, it must be approved of by the Yamên and Minister concerned before being given effect to.

(8.) That there shall be no torture made use of in the examination of witnesses; that confession of guilt be not required from the accused; and that perjury

and contempt of Court be punishable by fine and imprisonment.

(9.) That lawyers may be employed to prepare plaints, examine and cross-examine witnesses, and draw up arguments in writing for both parties.

(10.) That a full report of each case shall be transmitted through the Yamên to the Legation concerned, for its information.

(11.) That the co-Judges shall be five in number: one to reside at Tien-tsin, for duty at Tien-tsin, Newchwang, and Chefoo; one to reside at Hankow, for duty at Hankow, Kiukiang, Wuhu, Ichang, and Chungk'ing; one to reside at Shanghai, for duty at Shanghai, Ningpo, Chinkiang, and Nganking; one to reside at Foochow, for duty at Foochow, Wênchow, Tamsui, Takow, and Amoy; and one to reside at Canton, for duty at Canton, Swatow, and Hainan.

(12.) That the Judicial Rules shall be revised every fifth year, and the revised Rules take effect the following year.

§ 29. *Judicial Proposals: Second Set.*—Supposing the first set of Judicial Proposals, which aim at providing a common procedure, to be rejected, and seeing that, where both foreigners and natives are parties to a cause, if a common procedure is impossible, the next most necessary thing to be done to convince both sides that justice is fairly administered, is joint action, it is proposed:—

(1.) That in all cases in which both foreigners and natives are concerned, Consul and native magistrate shall sit together as President and Assessor, the former presiding when the defendant is a foreigner, and the latter when he is a native—that is to say, each in his own Court.

(2.) That when the property involved is of value above * * * dollars, or the prosecution arises out of loss of life, the Assessor shall have the power of appealing against the decision of the President to the high authorities at Peking.

(3.) That a *résumé* of cases shall be drawn up and circulated every fifth year, and rules of practice be drafted, precedents set forth and arranged, etc., for further guidance.

§ 30. *Judicial Proposals: Third Set.*—Supposing neither first nor second set of Judicial Proposals to be accepted, and that neither a common procedure nor joint action is to be looked for, the next best thing to do is to provide for the most important class of cases, and seeing that it is to the procedure in cases arising out of occurrences in which life has been lost, that exception has most usually been taken, it is proposed:—

(1.) That in all cases arising out of occurrences in which life has been lost, the local court shall make full inquiry, and send the proceedings to Peking for decision.

(2.) That the punishment the crime merits shall be inflicted, and that pecuniary compensations shall not be permitted to be offered or received.

(3.) That a list of cases shall be drawn up every five years and circulated for the ventilation of the general question.

§ 31. *Judicial Proposals: Fourth Set.*—Supposing that all the preceding three sets of proposals are thrown out, and seeing that some closer acquaintance with each other's procedure is called for, it is proposed:—

(1.) That each shall communicate to the other an explanation of what it is the duty of his national Court to do, when a plaint is presented affecting person or property.

§ 32. From the preceding proposals it will be seen that, where questions arise affecting both natives and foreigners, it is a common code, a common procedure, a common penalty, and a common court that are chiefly recommended. As in the case of the Commercial Proposals, what remains to be said as to the advantages the acceptance of these Judicial Proposals is likely to yield will be found in the concluding section.

IV.—Administrative.

§ 33. In the introductory remarks, complaints were arranged under three headings, Commercial, Judicial, and Administrative, and in view of the circumstances which condition action it was said in § 6, to be practical, proposals ought to be of a kind to convince the Treaty Powers that the limitations of any stipulation afford sufficient margin for the exercise of the rights it guarantees, induce China to see that the concession is not unlimited, and promise an improvement on the regulations and procedure now existing. In §§ 8 to 19 and §§ 20 to 29, the commercial and judicial complaints have been examined and proposals have been put forward supposed to be an improvement on existing regulations and procedure. The class of complaints described as Administrative remains to be noticed; and it is in connection with them mainly, and the suggestions about to be made to meet them, that an effort seems to be called for to induce foreigners to accept limitations and China to yield a sufficient margin. Anything effected in this direction will not be without its advantages.

§ 34. What are these administrative complaints?

On the foreign side they are chiefly of this kind, that

foreigners are not allowed to circulate freely, or settle inland, or work mines, or introduce railways, telegraphs, and mints, or procure the adoption of appliances which they have convinced themselves are certain to be attended with beneficial results, etc. These complaints amount to this: that the Chinese Government refuses to accept foreign advice, or give foreigners *carte blanche* in China—and these again, say the complainants, to this, that China, in a word, is hostile.

On the Chinese side corresponding complaints are also growing. Just as the commercial arrangements of the Treaties have caused commercial and financial derangement throughout China, so, too, their administrative arrangements have created administrative difficulties for Government and officials, and local grievances for gentry and people. The country begins to feel that Government consented to arrangements by which China has lost face; the officials have long been conscious that they are becoming ridiculous in the eyes of the people, seeing that where a foreigner is concerned they can neither enforce a Chinese right nor redress a Chinese grievance, even on Chinese soil; and the Government has to admit that for what it has given up, it has got nothing to show in return; and all this is in turn attributed to the exterritorial clauses of the Treaties.

It is quite possible that the Treaties are not to blame, politically, judicially, or commercially, for all that is laid to their charge; but whatever handles they offer are on all sides eagerly laid hold of, and the grievances they are held to constitute are certain to be felt and complained of more and more, the longer they are allowed to continue to exist.

§ 35. Granted that China has shown unwillingness

to accept foreign advice and act on foreign suggestions; to what is such unwillingness to be attributed? There are several causes in operation. First of all the Chinese are a very conceited people—they will hardly allow that their condition is to be improved upon; secondly, the Chinese are a very contented people—they dislike and fear change, and believe that the way of living that satisfied their forefathers for two or three thousand years will do well enough for themselves; thirdly, officials and people were alike ignorant on all foreign subjects, and did not for a moment imagine that there was anything better out of China than they already had in it; fourthly, people and officials, but more especially officials, have been suspicious of the foreigners' intentions, and still think every word must have some ulterior object, and every suggestion some sinister motive; these, and kindred reasons, have operated and are operating on all sides against foreign ideas and foreign ways, but, obstacles though they long have been and now are, they are nevertheless forces which must decrease in power in proportion as Chinese become better acquainted with foreigners and enlightenment becomes more general. At the same time their temporary potency will be rather increased than removed by any foreign pressure intended for their removal. But alongside of these there exists another set of opposing forces,—forces which must increase in power in proportion as China increases in enlightenment, and whose removal China cannot effect till the foreigner himself wills it.

§ 36. Granted that China is unwilling to increase the foreigner's liberty of action throughout the length and breadth of the land: this, too, is not without an explanation.

When the first Treaties were made China had had no experience of international dealings and no acquaintance with international relations, but the foreigner's knowledge of the many differences between Chinese and foreign official action in matters affecting property or person was already of a kind to make him unwilling to accept Chinese procedure: it was, therefore, wise and, at the time, right for the foreign negotiator to stipulate that questions affecting the persons or property of foreigners should be arranged by the foreign authority, and, on the other hand, the Chinese officials who consented to that arrangement without stipulating for the various limitations by which it ought to have been accompanied, can hardly be blamed for their want of political foresight, even had they been free to refuse acquiescence. But during the thirty years that have elapsed since then, Chinese officials have learned many things; they know that the Treaty Powers do not respectively accord to each other's subjects the position that the Treaties bind China to give, — they have seen that in questions between natives and foreigners, when the decision has rested with foreigners, natives, if it in any degree goes against them, are never satisfied,—and while they assert that the existence of this stipulation is already exercising an influence injurious to the prestige of the Government and the dignity of Chinese officials, they ask if it is to be wondered at that China refuses to assent to such an extension of it as might scatter it wholesale through China and multiply the troubles that foreign intercourse has so constantly caused them beyond all calculation.

Accordingly, when the foreigner moots anything new, the suggestion—viewed with dislike as recommending

change, and with suspicion as coming from the foreigner —is only too likely to be replied to thus:—It may be good, but having done without it so long, we can do without it longer; it may be good, but, however good it may be, we cannot afford to accept it coupled with exterritoriality — we have granted exemption from Chinese control at the ports, but we cannot go on to make the exempt a power in the interior.

§ 37. The foreigner's administrative complaint is that China does not accept foreign suggestions; China's reply is that she cannot do so, so long as their concomitant is unlimited exterritoriality.

Like all other general terms the word exterritoriality looms larger in its vagueness than it really is, and, such being the case, it may be unnecessarily standing in the way of both parties; that part of the thing exterritoriality which the foreigner really wishes for in China may be something which, once explained, China can continue to grant him without fear; that part of the thing exterritoriality which China dreads to see coming in as the concomitant of foreign suggestions, may be just the something that the foreigner does not really require or expect to be given. It would be hopeless to expect foreign Powers to consent to give up exterritoriality categorically and without explanation; but the word may be given up, and, of the things it covers, such may be retained under their own respective denominations as are really useful to the one side, and really harmless to the other.

What does the foreigner ask for? Is it to maintain his present hazy and indefinite exterritorial status? He can do this: but not only will he then continue with no promise of other improvement, but will remain weighted with the opposition, suspicion and dislike that that

status must ever keep alive for him in China. Is it extension of intercourse—growth of trade—development in China—improvement of international relations, that he seeks for? He can have these: but only on one condition—a rearrangement and change of status. What does China seek for? Does she wish to keep out everything smacking of exterritoriality? She can do so: but only at the loss of all the valuable lessons that foreign intercourse can teach. Does she want to learn those lessons—to become rich and strong? She can do so: but only on condition that she will allow of some kind or portion of exterritoriality within her boundaries.

On the one hand, given the certainty that there will be no great amelioration of the present state of things; on the other, given the certainty that there will be improvement; there can be no question as to which is the more pleasing prospect. But accompanying the future that promises no improvement, the foreigner retains his undefined exterritoriality; while accompanying the future that promises improvement, he has only a limited kind of exterritoriality—has only so much of exterritoriality as he can really find use for. Where then is the value of the other element as accompanying the one or as absent from the other—an unregulated exterritorial status whose presence necessitates the first—stagnation; and whose absence ensures the second—progress? Surely the time has arrived when such an understanding might be arrived at as should remove this obstacle from the common pathway of both foreigner and native: it is preventing the one from doing what will be for his own good—it is keeping the other from reaping the fair rewards of much study, labour, and expenditure.

On both sides there is something valueless in exterritoriality which either side can afford to give up to secure the something valuable in the improved intercourse that will accompany the residuum. Mutual concession is what is first of all necessary: but mutual concession is an impossibility, so long as there is not a common understanding,—and as for a common understanding, it cannot be arrived at unless both sides speak out.

If China says to the foreigner: you make too much of your exterritoriality—you set too much value by it; the foreigner naturally asks what he is to receive in exchange. If the foreigner says to China: you fear our exterritoriality too much, you see more in it than it contains; China as naturally asks in reply: What limits can be put on it?

§ 38. On more than one occasion a high official has said: "give up exterritoriality and you may go where you like;" and the last time the subject came up he asked: "will you even let *our* people in *your* ports have the standing we give *yours* in *ours?*"

If freedom of movement were all that is wanted, much might be urged in favour of closing with the first proposition; on the one hand, China would be certain to take the greatest possible care not to interfere with the foreigner needlessly, so long as he did nothing that Chinese may not do, and, if interfering, would be as careful not to treat him in a way likely to provoke foreign intervention; while, on the other hand, foreign countries would watch over the safety of their nationals just as jealously as they do now that they protect them by exterritoriality. The travelling foreigner would then meet with less hindrances and be better treated everywhere than at present.

But—the foreigner will reply—liberty to circulate freely and settle anywhere is not all that is wanted; foreigners want to circulate and to settle, in order to be able, in addition, to buy and sell, and to introduce improvements and changes, and these, he fears, are the very things that any renunciation of exterritoriality would make it impossible for him to do. Better retain the exterritoriality now enjoyed at the ports and under passport and the foreigner can already, within a limited area, act very freely; he can also continue to ventilate the improvements it is in his power to suggest, and can declaim against the blindness of the Government that refuses to let its people appropriate all these benefits. But were the exterritoriality he already enjoys given up, he fears that the power which now keeps him from working freely in the interior would virtually eject him from the ports, and that, if haply allowed to remain or go inland, he would still have to become more Chinese than Chinamen, while the Government would grow more exclusive than ever.

Such fears cannot be set aside as groundless; at the same time, just as it is certain that, at this date, the objection of the Government is not so much an objection to improvements as an objection to improvements *plus* extension of unregulated and unlimited exterritoriality; so, too, it is more than probable that, were exterritoriality no longer the bugbear it is, China's cry would be for, and not against, what the foreigner styles progress. As once before remarked, the difficulties of a merely conservative or anti-progress programme become daily more apparent, and its enforcement less likely to be persevered in.

§ 39. It may safely be asserted that the exterritorial stipulations of the Treaties have done more than

anything else to set the Government against any extension of intercourse, and that these stipulations, whether it be by the interpretation given to them or the action taken under them, are increasingly producing an effect and exercising an influence unfavourable to the development of resources and introduction of improvements. Would it not, then, be well to take up the subject and hear what is to be said on both sides; how much of exterritoriality the foreigner wants, why, and for how long; how much of exterritoriality China feels at liberty to allow of, what it is she dislikes, and why; and put the whole question of the relation of each to other on a fair, friendly, and intelligible footing?

On the one hand, the foreigner must let China see that she is protected from what she has taken to be the chief dangers of intercourse; on the other, China must clear the course for foreign legitimate enterprise. Nothing will help to do both things so surely as a rearrangement of the exterritorial stipulations, and it is to do this, to still China's fears and open up a more promising future for foreign ideas, arts, and inventions in China, that the following suggestions, like the complaints, styled administrative, are submitted. The Treaties, it is true, do not contain the word exterritoriality, but the stipulations referred to in section 20 constitute the foreigner's exterritoriality in China. The suggestions that follow will deal with stipulations in the concrete, and not with the generalization.

§ 40. *Administrative Suggestions: First Set.*—Where there is intercourse between two countries there are two points of primary importance: 1, that there shall be rules, and 2, that the rules shall be plain, intelligible, and unmistakable; and among the ends to be thereby aimed at are these: that the foreigner shall not only

know that he is not above the laws, but shall also know what laws he has to obey, and how he is to be dealt with; that the native shall know that the foreigner, though a foreigner, has his rights, and that both foreigner and native shall know that each has made the proper concessions to the other. The first set of suggestions now to be submitted are drawn up from this point of view :—

(1.) Seeing that doubt, discussion, and inconvenience are the result of diversity of form and language in the Treaties, and seeing that, in point of fact, and by reason of the most-favoured-nation clause, all the Treaties, however dissimilar in form and language, are identical in spirit and matter, it is suggested :

To consider whether it would not be possible to draw up one common version in Chinese for all Treaties, and to supplement it by equivalent versions in English, French, German, Russian, Spanish, etc.

(2.) Seeing that to some extent what is objectionable in existing Treaties may take its objectionable colouring from apparent want of reciprocity, and seeing that an appearance of reciprocity in Treaty concessions not only causes concessions to be less objected to, but makes Treaties generally easier to be worked, it is suggested :

To consider whether it would not be possible to arrange that foreigners arriving in China and Chinese arriving in foreign countries, shall reciprocally on first arrival report themselves to their own Consul, and shall after that enrol themselves either with their Consul as non-residents or with the local magistrate as residents, as they may themselves elect; the thus enrolled non-residents to be thereafter acknowledged and treated as aliens, and the thus enrolled residents as natives.

Where there is no Consul the newly arrived to be for the time being held to be resident.

(3.) Seeing that where disputes arise between non-residents (*i.e.*, foreigners) which do not affect natives, the settlement of them need not necessarily be the work of the native officials of the locality, and seeing that in mixed questions where natives are affected, it is the more especial duty of native officials, who have consented to the coming of foreigners and made regulations therefor, and who are accordingly at the same time responsible for the well-being of both native and stranger, to see that disputes are fully inquired into and fairly settled, it is suggested:

To consider whether it may not be possible to extend the judicial provisions, proposed to be introduced and acted on in China, and arrange that while disputes between Chinese aliens in foreign countries are to be settled by their own Consuls, disputes between Chinese aliens and natives of the countries resided in or affecting both shall be heard and settled by a special Court instructed to give effect to the common code proposed to be drawn up for the settlement of disputes between natives and aliens in China.

(4.) Seeing that the Treaty stipulations already provide that disputes between foreigners shall be dealt with by the foreign officials in accordance with the foreign laws, and that in cases where disputes affect both foreigner and native, the foreign and native authority shall conjointly settle matters equitably,—seeing that these stipulations do not place the foreigner above the native law or entitle him to disregard it,—and seeing, further, that it is a common complaint that foreigners do neglect to observe native laws held to be essential to the welfare, tranquillity, and well-being

of the localities concerned, thereby creating nuisances, causing discontent, and evoking ill-will, it is suggested:

To consider whether it may not be possible to declare that foreigners — Chinese in foreign countries, and foreigners in China—shall be reciprocally obliged to observe all such laws of the locality as are prohibitory of doings calculated to offend and disturb the locality: what a native is not allowed to do, a foreigner shall not do—what a native may do, a foreigner may equally do: offenders to be proceeded against in the Special Court.

(5.) Seeing that foreigners may desire to possess lands and houses, and take shares in trades, industries, and companies, and seeing that such kinds of property and all such enterprises are governed by the law of the land, and do not admit of a mixed treatment—one kind for the foreigner and one for the native—and seeing that it will be alike advantageous for such enterprises, and for all who wish to share in them, that the standing of all interested in them should be clearly proclaimed and defined, it is suggested:

To consider whether it may not be possible to declare that where aliens own lands or houses, or hold shares in public companies and native industries, they must—Chinese in foreign countries and foreigners in China—equally with natives reciprocally obey the native laws drawn up for the regulation of such kinds of property. Questions arising in this connection to be dealt with by the Special Court.

(6.) Seeing that in the interests of the dignity and authority of local officials everywhere it is advisable that there should be no unnecessary exceptions to the exercise of their functions,—seeing that the tendency of any exception, necessary or not necessary, is to set the official in question against the parties for whom the

exception is made in the other matters that it comes within the power of that official to permit or prohibit, further, or impede; and seeing that in Customs as in other governmental matters the same care to refrain from creating exceptions is also advisable to be exercised, it is suggested:

To consider whether it may not be possible to enact that foreign ships arriving in China, and Chinese vessels arriving in foreign countries, shall reciprocally report arrival, deposit papers, and clear at the Customs, and that harbour-masters shall be empowered to note and extend protests, ship and discharge seamen, and do the other work of shipping-master and marine notary. The vessels and crews to otherwise retain their non-resident character, and be dealt with by their respective Consuls.

(7.) Seeing that it is mutually advantageous for officials to be easy of access to people, and seeing that the tendency of the necessary and official intervention of a third party is to give a hard and formal appearance to affairs, and to render official solutions necessary rather than expedite amicable and informal settlements, it is suggested:

To consider whether it may not be possible to declare that foreigners—Chinese in foreign countries and foreigners in China—shall reciprocally be at liberty to address the native officials direct, and without Consular intervention, whenever they may choose to do so.

(8.) Seeing that dues, duties, and taxes are all levied by the authority of the Government, and that there are tariffs according to which all such levies are raised—seeing that foreign Governments publish such tariffs, and that China has also published the tariff of duties payable at Treaty ports by foreigners,—and seeing that governmental requirements from time to time necessitate

changes in special taxes raised in the provinces of China, it is suggested:

To consider whether it would not be possible for the Yamên to notify taxes, as established or abolished, to foreign representatives for communication to, and observance by their nationals.

(9.) Seeing that growth and change are constantly calling for modifications, it is suggested:

That each fifth year these so-called administrative regulations be revised: the revised regulations to come into operation the year following.

§ 41. *Administrative Suggestions: Second Set.*—Supposing the first to be thrown out, and seeing that some kind and degree of reciprocity may help to counteract some part of the ill effects of whatever is bad in existing arrangements, and gradually prepare the way for an extension of reciprocity, and other improvements, it is suggested:

(1.) That a common Chinese text be adopted for all Treaties.

(2.) That in foreign countries where China has established Legations and Consulates, disputes between Chinese, and not affecting natives, shall be arranged by the Chinese officials, and that in cases in which both Chinese and natives are concerned, the course followed in China for their settlement shall there also be adopted.

(3.) That vessels shall deposit their papers, etc., with the Customs and enter and clear direct, without Consular intervention.

(4.) That there shall be a revision of these arrangements every fifth year, and that the revised arrangements shall take effect the following year.

§ 42. *Administrative Suggestions: Third Set.*—Supposing neither first nor second set of these administrative

suggestions to be accepted, and seeing that the existence of the "most-favoured-nation" clause in each Treaty in point of fact puts all parties on the same footing, it is suggested:—

(1.) That one common Chinese text be adopted for all Treaties, and one Tariff for all merchants.

(2.) That revision of Treaty and Tariff shall take place every fifth year, and come into operation the year following.

§ 43. *Administrative Suggestions: Fourth Set.*—Supposing that none of the preceding sets of suggestions prove acceptable, it is suggested:—

(1.) That every fifth year there shall be a general revision of Treaties, Tariffs, Rules, and Regulations.

§ 44. From the preceding suggestions it will at once be seen that the chief objects in view are to arrange for general revision at regularly recurring and not too distant periods and thereby keep with the times,—provide a common Chinese text for all Treaties and thereby make stipulations and rules easily intelligible—introduce as much reciprocity in arrangements as circumstances will admit of and thereby win popular assent,—and improve existing stipulations wherever experience shows them to be defective and thereby obviate mischievous results. Should it be found possible to take action in the direction suggested, China would recognize the fact that foreigners in China are subjected to proper limitations and foreigners would equally recognize the fact that, although subjected to limitations, they are nevertheless able to obtain everything they have a right to look for. Such an end once secured would have a most beneficial effect on general interests. What yet remains to be said as to the advantages to be

gained from the adoption of these administrative suggestions will be found in the section that now follows, headed Concluding.

V.—Concluding.

§ 45. For the present the four sets of proposals that precede may suffice ; but it still remains to supplement what has been said in explanation of the causes that warrant such proposals by some remarks respecting the advantage they appear to offer.

If it be merely desired to retain and give full effect to existing Treaties, what is mainly wanted is an authoritative declaration of the interpretation of a few debated clauses ; on the commercial side, the chief desideratum is a definitive statement of the meaning of drawback and transit stipulations, and, on the judicial, a clear understanding as to the occasions on which the native and foreign authority shall act conjointly, and the nature and limits of that conjoint action. What have been adverted to as administrative requirements would thus remain unprovided for.

But, when the question of a better regulation of the commercial side of foreign intercourse is fairly met, and means and ends carefully looked at from the standpoints of both parties, it is evident that, in point of fact, what both want is, after all, changes in, rather than confirmations of, present arrangements. The Treaties have forced foreigners into certain grooves, and have done even this in a way that has provoked native opposition ; and, while the matter of each stipulation has opened the door to abuse of Treaty privileges by one party and to interference with Treaty rights by the other, the principle that runs through the stipulations has itself

been the strongest possible incentive to abuse by these and interference by those. Everywhere there is an escape from restrictions, and a means of shutting the door in the face of liberty of action. If it be desired that intercourse should become friendlier, development quicker, and commerce greater, it is change and not confirmation that is called for.

§ 46. The acceptance of any of the foregoing sets of proposals would remedy some existing evils; but it is for the first set that attention is especially invited.

If the first set of proposals should chance to be given a trial, their accruing advantages would speedily be recognized in the directions below indicated:—

Commercially.

(1.) One and the same treatment is provided for foreigner and native: so that there need neither be abuse of privileges nor interference with rights.

(2.) The eight or ten commodities, imports and exports, in which foreign trade is really—if not alone—interested, are not only relieved from uncertain and variable taxation, but are freed from all taxation, on payment of the one fixed charge at a Treaty port.

(3.) The merchandise in which foreign trade is not interested and which circulates in China for Chinese domestic use is freed from the application of the foreign Tariff at Treaty ports and is left to be dealt with by the territorial authorities according to local rules and requirements.

(4.) As regards a third class of goods, viz., the articles of foreign origin which, though recognizable as foreign, are not staples and are for the most part only disposed of at the ports and not sent into the interior—articles

which, though foreign, are not easily distinguishable from Chinese articles and yet are also not staples—and the articles which, being of native origin and bought for foreign export, are, like the scattered imports, neither certain nor abundant in the export trade—all these articles and commodities, of little importance to foreign trade, are left where they are now: that is, they remain exposed to the uncertain incidence of local taxation, but are, on the other hand, freed from the certain incidence of import or export duty at the Treaty ports.

(5.) The local taxation of Chinese goods for Chinese domestic use and of the insignificant imports and exports referred to in the last paragraph, is not to be in any way connected with shipment or discharge at Treaty ports, so that vessels which take mixed freights will neither have to deal with two sets of Custom-houses nor be subjected to any special detention.

(6.) Where the foreigner competes with the Chinese merchant in Chinese trade on Chinese ground, he will do so on the same footing and conditions as the native; where the native competes with the foreigner in foreign trade, he will do so on the same footing and conditions as the foreigner.

(7.) Vexatious espionage at the ports and transit troubles in the interior disappear.

(8.) No interest is sacrificed to another: neither foreign staples to Chinese desire for revenue—nor Chinese taxation to isolated commercial ventures—nor the goods in which one power is interested to those which concern some other; what is fair to each and good for all is secured and promoted.

(9.) Foreigners will no longer be reproached for selling their names to Chinese—native hostility to foreign trade will disappear—officials will no longer

be able to say that local revenue is destroyed by foreign trade—foreign trade itself will in every way be freed from burdens it has now to bear.

(10.) Quinquennial revision will periodically effect timely changes, removing what is bad and adding what is good.

Judicially.

(11.) With one code and one procedure for all cases in which both foreigners and natives are concerned, and with concomitant arrangements adequate to the protection of person and property, complaints will be stopped and much that is now offensive will disappear.

(12.) Room is left for growth and expansion, and for improvement of both code and procedure. Quinquennial revision provides for proper adaptation to the requirements of the times.

Administratively.

(13.) The very fact of consenting to consider the points set forth in the administrative suggestions will bring both native and foreigner into more friendly relations, and any action taken in the directions proposed will not only lessen the chances of further misunderstandings, but will set free agencies that are now under a ban and convert hostility and opposition into friendliness and co-operation.

(14.) The steps suggested on the administrative side will do much to ensure the satisfactory working of both judicial and commercial proposals: on the one hand there will be less likelihood of interference with commercial interests, and on the other, greater certainty of compliance with all that is required judicially.

For these and other reasons, a common trial of the first set of proposals is to be strongly recommended.

§ 47. On the foreign side the political world may object to surrender anything already obtained from China—the Christian public may hesitate to trust their Christian nationals in pagan China unless surrounded by the full blaze of exterritoriality—and the mercantile classes will ask what security is there that China will keep her engagements.

Here we are met by objections not without force or meaning: each one of them merits its due share of consideration. Let them be fully thought out and let allowance be made for the utmost value of all they suggest; but, that done, let what now exists and what is proposed for adoption be put side by side and judged of by the light of the following considerations :—

(1.) That the present situation is approved of by neither party.

(2.) That mutually advantageous alterations can only be obtained by mutual concessions.

(3.) That what is proposed is not necessarily more than a five years' experiment, subject to revision and approval, and if needs be, to withdrawal.

(4.) That such proposals, if presumably likely to yield results that will be so many gains, commercially, judicially and administratively, ought to be allowed a fair trial.

(5.) That the proposals, instead of stunting, nourish growth—instead of forcing into grooves, clear the ground for enterprise—instead of perpetuating distinctions that alike tempt native and foreigner, class all individuals together and make interests identical and not antagonistic.

(6.) Politically, is it not an error to keep alive the

cause of administrative difficulty? Judicially, is it not a fact that although the Court may be pagan, it will have to proceed publicly and according to new laws, while individuals concerned are so few that such special arrangements can never be the cause of national inconvenience, and does not every-day experience show that China treats the subjects of other States, not removed from Chinese jurisdiction, with extraordinary gentleness? And as for distrust of China's willingness to act up to her engagements, if good faith be not taken for granted, meaning thereby the desire and the ability to keep one's engagements, what is the use of any such thing as negotiation?

Comparing the existing and the proposed arrangements, with all these considerations before the mind, it is evident that there is much more to be said in favour of a departure from, than in favour of a confirmation of existing arrangements.

§ 48. On the Chinese side, whatever other difficulties may crop up for those who have to take action, it is not unlikely that one difficulty in the way of the acceptance of these proposals will be the desire of critics to take and not give. When Treaties were first entered into it was all giving and no getting on the part of China, and now the rebound may be felt, and there may be a desire to get and not give. Perhaps the advantages of what is conceded to China will be so undervalued, or the advantages of what is proposed to be conceded to the foreigner will be so magnified, or the desire to give as little as possible will be to such an extent uppermost, that thereby the proposals may come to naught. To this all that one can say in advance is, that, while the order to make proposals means that it is intended to take action, critics must

remember that those who would take must also be willing to give; mutual concession for mutual advantage is not only essential, but fair and reasonable, and, moreover, even one's own property—if it is once pawned—can only be redeemed by a payment. Objectors should consider these things, and those who have to take action may rest assured that, should the proposals be adopted, China's gain will not be less than the foreigner's.

§ 49. As will have been seen, there are three sets of proposals, and in each set there are four alternative sets. The natural order and logical sequence would, perhaps, be administrative, judicial, commercial, but it has been thought better to adopt the reverse order —commercial, judicial, administrative; and the object with which this has been done is that what there may be of great obstacles to the acceptance of the judicial proposals, or of greater obstacles to the acceptance of the administrative, should not stand in the way of a full consideration of the commercial as preceding the judicial, or in the way of the judicial as preceding the administrative. The judicial proposals are of easier acceptance than the administrative; the commercial, again, are probably of easier acceptance than the judicial. Under each of the three headings any alternative set of proposals is complete in itself, and may be accepted while all the rest are rejected; or, any one of the alternative sets under one heading may be adopted and combined with any one of the alternative sets under either of the two headings. Again, each proposal, although sufficiently detailed to be intelligible, is possibly susceptible of improvement, and would in any case necessarily require further consideration and elaboration before being made law, to say nothing of

the supplementary regulations it would require to have drawn up for its proper working.

§ 50. In conclusion, the hope may be expressed that the commercial proposals will help to place commercial dealings on a better footing, and remove much ground for complaint, that the judicial proposals will introduce improvements in judicial business, and do away with the cry that justice is withheld; and that the administrative suggestions, first of all assisting to secure and consolidate commercial and judicial advantages, will in the end improve the tone of general intercourse, and remove the chief obstacle, political opposition, from the pathway of future relations. But it must not be supposed that these proposals will be a panacea for all ills, or a philosopher's stone, to turn all they touch into gold. Even supposing that they are put in operation, and that they induce forgetfulness of past grievances and certain anticipation of future benefits, even then they will not make foolish officials act wisely; nor will they make underpaid officials respect regulations when gain is to be got; nor will they make turbulent people quiet; nor will they enable fortunes to be made other than in accordance with the circumstances that condition trade. If fairly acted upon, it is confidently believed that they will be followed by results more or less beneficial to both China and not-China; but time alone will show in how far and in what directions this belief is well or ill-founded. If failing to effect what is looked for—and, indeed, even if failing to be adopted—they will, at all events, serve to introduce questions that demand settlement, and explain some of the conditions and difficulties that must be grappled with if a solution is to be arrived at. That it is not an easy task to draw up such proposals must be apparent to any one

who re-reads the conditions imposed by the Yamên's instructions, as quoted in the first paragraph.

(Signed) ROBERT HART,
Inspector General of Maritime Customs.

PEKING, *January* 23, 1876.

II.—SUPPLEMENTARY DESPATCH.

The Inspector General of Customs to His Imperial Highness the Prince of Kung and their Excellencies the Ministers of the Tsungli Yamên.

Peking, February 8, 1876.

1. The Undersigned having received the Yamên's instructions of the 6th October, calling for proposals for the better regulation of commercial intercourse, had the honour to submit his detailed reply on the 23rd January.

It will have been seen that the Commercial Proposals, first set, suggest—1st, that the staples of foreign trade, viz., cottons, woollens, metals, and sugar inwards, and tea, silk, sugar, and cotton outwards, shall pay Customs duty and inland due simultaneously at the time of shipment or discharge to the Treaty Port Customs, and be everywhere else and at all times free from every other charge in China; and 2nd, that all other kinds of merchandise (excepting opium, which is specially provided for) shall be exempted from payment of duty by the Treaty Port Customs and be liable for every local charge wherever else met with in China, no matter in whose hands.

It is reasonable to take it for granted that proposals are only made after due consideration, and are susceptible of explanation and support. If it be asked

then, what the proposals just recapitulated are based on, the reply is the Treaty Port Customs Statistics of 1874, from which the following figures are now submitted. In 1874 it may be said in round numbers that—

PAID IMPORT DUTY.

	Taels.
Cottons	720,000
Woollens	160,000
Metals	100,000
Sugar	60,000
All other Imports	650,000

PAID EXPORT DUTY.

Tea	5,000,000
Silk	870,000
Sugar	90,000
Cotton	40,000
All other Exports	680,000

So that, during the year 1874, the eight import and export staples above-named may be regarded as having paid duty amounting to 7,080,000 taels, while all other goods (opium not included) paid 1,330,000 taels.

During the same year, of other dues and duties the Treaty Port Customs collected:—

	Taels.
Opium, Import Duty, say	2,100,000
Native Produce, Coast Trade Duty, say ...	570,000
Transit Dues, Inwards and Outwards, say ...	230,300
Tonnage Dues, say	200,000

Thus the total collection of the Treaty Port Customs for the year 1874 amounted in round numbers to 11,500,000 taels. And this collection, it is to be remembered, is a collection made in accordance with rules already in force, and not according to the proposals now under consideration.

3. If the proposal that has been made to tax staples at the Treaty Ports, freeing them elsewhere, and to free other goods at the Treaty Ports, taxing them elsewhere, were acted upon, then, taking the same year's statistics as the basis of a calculation, the results to be looked for would be much as follows :—

IMPORT DUTY *plus* INLAND DUE.

	Taels.
Cottons	1,080,000
Woollens	240,000
Metals	210,000
Sugar	90,000

EXPORT DUTY *plus* INLAND DUE.

Tea	7,500,000
Silk	1,305,000
Sugar	135,000
Cotton	60,000

thus yielding in all, a revenue amounting to 10,600,000 taels.

If to this be added, as was also proposed, an import duty on opium of 120 taels per pecul, amounting, on the supposition of an importation of 70,000 peculs, to 8,400,000 taels, the sum total would be an immediate collection of over 19,000,000 taels, and a certainty of 20,000,000 a-year in a year or two.

When it is said that such a collection might confidently be relied upon, it is not a mere guess that is made, or an unfounded assertion that is hazarded ; on the contrary, not only is the calculation supported by the statistics of 1874, but is shown by those of 1875, to give results that are even below the mark. And as for the question as to what is, or is not possible for the customs, there is nothing to show that the plan proposed for adoption is in any respect other than feasible.

4. If it be asked whether this increase in the Treaty Port Customs collection would make up for the decrease in collection at other points likely to result from the adoption of the scheme, a reply may be gathered from what follows. A short time ago the undersigned requested the Board of Revenue to state the annual amount of Likin derived from tea, silk, and opium. The Board replied that its accounts did not admit of furnishing separate totals. But although these particulars could not be ascertained from the Board, it has been elsewhere gathered that the Likin of the eighteen provinces may be computed at about 10,000,000 of taels annually. Accordingly, taking the year 1874 for example, that part of the general revenue which is made up of (1) Treaty Port Customs duties, and (2) Likin throughout China, may be said to have been 22,000,000 for the year. Now this is just about the sum to which it is calculated the Treaty Port Customs duties would alone amount in a few years more, were the proposals just made adopted. As for the effect of these proposals on the national revenue then, their profitable character is so evident that it is needless to demonstrate their harmlessness.

Again, it is continually said that the Likin is but a temporary measure and will sooner or later be discontinued. Supposing Likin to be discontinued, the Treaty Port Customs duties would then alone remain available; but, when that day comes, if the Customs duties should be found to have already increased to such an extent as to make up for the discontinued Likin, then the proposals which should achieve such a result can hardly be regarded as other than good.

5. Here, however, the undersigned has another proposal to submit. The "Peking Gazette" has of late

frequently published memorials from high officials recommending the discontinuance of Likin, but such memorials merely contain the request that the Likin may be stopped and do not show how governmental business can be carried on in such a way as to really enable Likin to be dispensed with. This being the case, it is no wonder that other officials memorialize in reply; and, urging that such recommendations cannot be attended to, procure their rejection. Under these circumstances, the undersigned begs to point out that the proposals he has already submitted appear to be calculated to meet this difficulty; they show how the revenue given up in one direction might be more than made up for in another. If, therefore, the Yamên would make those proposals the subject of a special memorial and procure the discontinuance of Likin, not only would many a foreign difficulty be avoided, but—while only a Yamên for the transaction of foreign business, yet so transacting it as to promote China's internal interests—a tax that has harassed the people, been denounced by officials, given rise to innumerable malpractices, and is only, after all, of a temporary and ephemeral character, would be removed, while a source of revenue would be substituted of an enduring and flourishing kind, a revenue which, on the one hand, would increasingly enrich the Imperial Exchequer, and on the other in no way harass or be a burden to the community.

The undersigned would therefore beg that this supplementary despatch may be read and considered in connection with the proposals already submitted.

(Signed) ROBERT HART,
Inspector General.

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